



**Town of Discovery Bay  
Community Services District  
RESOLUTION NO. 2010-01**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT (CSD) TO DELETE FORMER DIRECTOR, SHANNON MURPHY-TEIXEIRA & DAVE DOVE AND ADD CURRENT DIRECTOR BRIAN DAWSON AND J. KEVIN GRAVES ON THE ECC BANK, A DIVISION OF BANK OF AGRICULTURE AND COMMERCE BANK ACCOUNTS TO SIGN ON CHECKS FROM THE TOWN OF DISCOVERY BAY CHECKING ACCOUNTS & TO SIGN ON TRANSACTIONS WRITTEN FOR THE TOWN OF DISCOVERY BAY CSD CD ACCOUNT

**WHEREAS**, the Town of Discovery Bay CSD desires to delete former director, Shannon Murphy-Teixeira & Dave Dove and add current director Brian Dawson & J. Kevin Graves on their (3) public bank accounts with ECC Bank, A Division of Bank of Agriculture and Commerce to sign on checks written from the Town of Discovery Bay CSD Checking Accounts and to sign on transactions written for the Certificate of Deposit, which are all listed below:

50017249 – Water and Wastewater (CSD)  
50020304 – Discovery Bay Community Center Committee  
50306399 – Certificate of Deposit (CD)

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Discovery Bay CSD does the following:

1. The ECC Bank, A Division of Bank of Agriculture and Commerce, Discovery Bay Branch, 14804-A Highway 4, Discovery Bay, CA 94505, is hereby requested to delete former director Shannon Murphy-Teixeira & Dave Dove, and add the current directors' names, Brian Dawson & J. Kevin Graves on the above (3) banking accounts to be able to sign on checks written and sign on transactions written from these accounts.
2. The Town of Discovery Bay CSD Board of Directors require that valid signatures on checks written and transactions written from these accounts be two (2) of the three (3) elected officers of the Town of Discovery Bay CSD Board of Directors (President and Treasurer, or by one of them, and one other Director).

**PASSED AND ADOPTED** by the Board of Directors of the Town of Discovery Bay CSD, at their regular meeting thereof, held on January 6, 2010 by the following vote:

AYES: 5  
NOES: 0  
ABSTENTION: 0  
ABSENT: 0

J. Kevin Graves  
President, Board of Directors

ATTEST:  
VIRGIL KOEHNE  
  
Secretary, Board of Directors



**Town of Discovery Bay  
Community Services District**

**RESOLUTION NO. 2010-02**

**EAST BAY REGIONAL PARK DISTRICT  
MEASURE WW LOCAL GRANT PROGRAM**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT ("CSD") TO AUTHORIZE ITS GENERAL MANAGER TO APPLY FOR LOCAL GRANT FUNDS FROM THE EAST BAY REGIONAL PARK DISTRICT UNDER MEASURE WW PARK BOND EXTENSION**

**WHEREAS**, the people of the East Bay Regional Park District have enacted the Measure WW Park Bond Extension which provides funds for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities; and

**WHEREAS**, the East Bay Regional Park District Board of Directors has the responsibility for the administration of the grant program, setting up necessary procedures; and

**WHEREAS**, said procedures require the Applicant's Governing Body to certify by resolution the approval of the Applicant to apply for the Local Grant allocation of funds; and

**WHEREAS**, the Applicant will enter into a Contract with the East Bay Regional Park District.

**NOW, THEREFORE**, BE IT RESOLVED that the Board of Directors of the Town of Discovery Bay CSD does hereby:

1. Approve the execution of a grant contract in the amount of \$580,453.00 from the Local Grant Program under the East Bay Regional Park District Measure WW Park Bond Extension; and
2. Certify that the Applicant has or will have sufficient funds to operate and maintain the Project(s); and
3. Certify that the Applicant has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
4. Appoint the General Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of Project(s).

**PASSED AND ADOPTED** by the Board of Directors of the Town of Discovery Bay CSD, at their regular meeting thereof, held on March 3, 2010 by the following vote:

AYES: 4  
NOES: 0  
ABSTENTION: 0  
ABSENT: 1

J. KEVIN GRAVES

President, Board of Directors

ATTEST:  
VIRGIL KOEHNE

Secretary, Board of Directors



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2010-03**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD) ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM PURSUANT TO THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT AND THE FEDERAL TRADE COMMISSION REGULATIONS THEREUNDER (I.E., "RED FLAGS RULE")

**WHEREAS**, the Federal Trade Commission has promulgated regulations (hereinafter, "Red Flags Rule") pursuant to the Fair and Accurate Credit Transactions Act (Pub. L. 108-159) requiring "creditors," as defined pursuant to that Act, to implement and maintain identity theft prevention programs for all "covered accounts;"

**WHEREAS**, the Town of Discovery Bay CSD may be considered a "creditor" under the Red Flags Rule because it extends utilities services and bills its customers after those services have been provided;

**WHEREAS**, the Town of Discovery Bay CSD regularly maintains utilities accounts that may be considered "covered accounts" pursuant to the Red Flags Rule;

**WHEREAS**, the Town of Discovery Bay CSD for the foregoing reasons may be subject to the Red Flags Rule;

**WHEREAS**, the Federal Trade Commission has announced that it will begin enforcement of the Red Flags Rule beginning June 1, 2010; and

**WHEREAS**, the Board of Directors of the Town of Discovery Bay CSD has reviewed the Identity Theft Prevention Program (hereinafter, "Program") prepared by the attorney for the Town of Discovery Bay CSD and has determined that the Program accurately reflects the Board's estimation of the risk of identity theft in connection with the Town of Discovery Bay CSD's services and adequately provides for the recognition and mitigation of such risks;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Identity Theft Prevention Program, attached hereto, is hereby approved and adopted; and
2. The General Manager is directed to implement the Program according to its provisions.

PASSED AND ADOPTED by the Town of Discovery Bay Community Services District Board of Directors at a regular meeting thereof held on May 19, 2010 by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTENTION: 0

ATTEST:

Vincent Koch  
Secretary, Board of Directors

J. KEVIN GRAVES

J. Kevin Graves  
President, Board of Directors

# **TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT IDENTITY THEFT PREVENTION PROGRAM**

## **I. PURPOSE**

This Identity Theft Prevention Program ("**Program**") is being implemented in accordance with the Fair and Accurate Credit Transactions Act of 2003 (P.L. 108-159) and the Federal Trade Commission's regulations thereunder (16 C.F.R., Part 681) ("**Red Flags Rule**"). The purpose of the Program is to combat identity theft by identifying risk factors for identity theft in connection with the "covered" accounts maintained by the Town of Discovery Bay Community Service District ("**Discovery Bay**"), requiring staff to be alert to "Red Flags" that may indicate identity theft, and advising staff how to handle situations where indications of identity theft have appeared.

The Program applies to all covered accounts maintained by Discovery Bay. "**Covered accounts**" include any accounts maintained primarily for personal, family, or household purposes or that involve or are designed to permit multiple payments or transactions, including utility accounts. Covered accounts also include any other accounts for which there are reasonably foreseeable risks to customers or to the safety and soundness of the Discovery Bay from identity theft. Such risks may include financial, operational, compliance, reputation, or litigation risks.

This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program. Rather, this Program is intended to supplement any such existing policies or programs.

## **II. IDENTIFYING RISK FACTORS**

Discovery Bay is required under the Red Flags Rule to assess the risk of identity theft in connection with its covered accounts. As part of this risk assessment, Discovery Bay must identify all types of potentially-covered accounts that it maintains and must review the methods by which such accounts may be opened and are maintained. Discovery Bay must review these in light of all ascertainable "Red Flags" (whether listed below or otherwise) to determine what opportunities for identity theft may arise and what measures are appropriate to address them.

### **A. RISK ASSESSMENT**

Discovery Bay presently maintains the following types of accounts which may be "covered accounts" for purposes of the Fair and Accurate Credit Transactions Act:



## Water and sewer utility services accounts

The foregoing accounts may be opened in the following manner:

Service is provided based on ownership and address information obtained from Assessor's Office. Changes in service can be effectuated by phone or in person.

The foregoing accounts are accessible to the following persons in the manner described below:

Customers may obtain information by phone or in person. Discovery Bay office staff accesses customer account information through password-protected office computers.

Discovery Bay has not previously experienced identity theft issues.

Based on the foregoing, Discovery Bay determines that there is a low risk of identity theft in connection with the covered accounts it maintains. This assessment is based specifically on the lack of previous incidents involving identity theft; the nature of the service provided (i.e., associated specific real property); the small number of individuals having access to account information; and the limited personal information (names and addresses) collected by Discovery Bay.

### **B. "RED FLAGS" THAT MAY INDICATE IDENTITY THEFT**

The following list contains a number of "Red Flags" that may indicate identity theft. When an employee becomes aware of one or more of the following situations concerning a covered account, the employee should react as discussed in Section III, below. However, please note that the following list is merely a list of examples of indicators of identity theft. Staff should exercise sound judgment and seek further verification or report to a supervisor whenever the circumstances seem to believe something is wrong, whether or not those circumstances are specifically listed below.

The Federal Trade Commission has identified a number of "Red Flags" in addition to those listed below. This list omits "Red Flags" that are believed to be inapplicable to Discovery Bay (e.g., "Red Flags" which pertain to credit reports are omitted because Discovery Bay does not perform credit checks or obtain credit reports).

All employees who interact in any way with covered accounts should be alert for the following:

#### ***Suspicious Documents***

- Documents provided for identification that appear to have been altered or forged.
- Photographs or physical descriptions on the identification that are inconsistent with

the appearance of the applicant or customer presenting the identification.

- Other information on the identification that is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- Other information on the identification that is not consistent with readily accessible information that is on file with Discovery Bay, such as an application form or a recent check.
- A request to initiate service that appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

### *Suspicious Personal Identifying Information*

- Personal identifying information provided that is inconsistent when compared against external information sources used by Discovery Bay.
- Personal identifying information that is provided by the customer that is not consistent with other personal identifying information provided by the customer.
- Personal identifying information provided that is associated with known fraudulent activity, as indicated by internal or third-party sources used by Discovery Bay.
- Personal identifying information provided that is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by Discovery Bay.
- An identification number provided that is the same as that submitted by other persons opening an account or belonging to other customers.
- An address or telephone number provided that is the same as or similar to the address or telephone number submitted by an unusually large number of other persons opening accounts, or other customers.
- Personal identifying information provided that is not consistent with personal identifying information that is on file with the financial institution or creditor.

### *Unusual or Suspicious Use of Covered Account*

- A new account that is used in a manner commonly associated with known patterns of fraud patterns.
- A covered account that is used in a manner that is not consistent with established patterns of activity on the account.

- A covered account that has been inactive for a reasonably lengthy period of time that is suddenly used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- Mail sent to the customer is returned repeatedly as undeliverable although service continues to be used in connection with the customer's covered account.
- Discovery Bay is notified that the customer is not receiving paper account statements.
- Discovery Bay is notified of unauthorized charges or transactions in connection with a customer's covered account.

### *Notice of Identity Theft*

- Discovery Bay is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## **III. REQUIRED PROCEDURES**

Potential identity thieves may be simple opportunists or skillful, determined individuals. Even exercising best efforts, it may not be possible to completely ensure security against identity theft. Nevertheless, it is every employee's duty to protect the security of Discovery Bay's information systems and to safeguard its customers' private information to the greatest extent possible. Carefully adhering to the following procedures will help to minimize opportunities for identity thieves to exploit and will help to minimize the harm they do when an individual's identity is compromised.

Accordingly, Discovery Bay requires that all staff comply with the following procedures and further requires that all third-party service providers with whom it contracts also have in place identity theft prevention programs which comply with the Fair and Accurate Credit Transactions Act.

### **A. PROCEDURES FOR IDENTIFYING AND PREVENTING IDENTITY THEFT**

#### *Opening New Accounts*

- Staff must review any request for service for Red Flags.
- Requests for service at a particular address must be checked against ownership records and/or other available information for that address.
- In questionable circumstances, further verification may be accomplished by, e.g., contacting the record owner of the property at which service is requested.

#### *Monitoring Existing Accounts*

- All customers must be authenticated before any information concerning a covered account may be provided.
- Staff should review usage patterns and billing histories (particularly in cases where usage continues after a period of nonpayment or escalates after a period of dormancy).
- Only authorized personnel shall be permitted to access covered accounts.
- All computers through which data concerning covered accounts may be accessed must be password-protected.
- Staff shall request from customers and shall keep only those types of customer information necessary for official purposes.

#### **B. PROCEDURES FOR RESPONDING TO SUSPECTED OR CONFIRMED IDENTITY THEFT**

Where a possible indication of identity theft (i.e., one or more "Red Flags") has arisen, staff should evaluate the significance of the Red Flag and take appropriate action. Appropriate action may include, depending upon the circumstances:

- Monitoring a covered account for evidence of identity theft.
- Contacting the customer.
- Terminating service.
- Not opening a new account.
- Notifying law enforcement.
- Determining that no response is warranted under the particular circumstance.

The facts of a particular case may warrant using one or several of these options, or another response altogether. In determining a proper response, staff should consider whether any aggravating factors heighten the risk of identity theft. For example, if staff is presented with expired photo identification, an appropriate response may be to ask for satisfactory alternative identification. If, by contrast, a long-dormant account suddenly experiences heightened activity, contacting the customer directly may be appropriate. Contacting the customer would also be appropriate in instances where identity theft has been confirmed. In still another case, if a "customer" presents fraudulent identification in person, an appropriate response may be to contact law enforcement.

#### **IV.** **RESPONSIBILITY FOR IMPLEMENTING, ADMINISTERING, AND** **UPDATING THE PROGRAM**

The General Manager is responsible for administering this Program and for keeping it up-to-date. He or she must ensure that all staff handling accounts which are subject to this Program are appropriately trained to detect possible indications of identity theft and are trained on how to respond when they encounter a "Red Flag."

The General Manager shall be primarily responsible for ensuring that when threats to the security of Discovery Bay's customers or employees arise in connection with any service

that Discovery Bay provides, those threats are responded to promptly, effectively, and in a manner that best protects Discovery Bay, its customers and its employees. The General Manager is also responsible for ensuring that all aspects of this Program are complied with.

Before the close of each fiscal year, the General Manager must prepare or must require his or her staff to prepare a report on Discovery Bay's compliance with this program. The report must, at a minimum, discuss the following topics:

1. Any significant incidents involving identity theft;
2. Management's response to those incidents;
3. How effective Discovery Bay's policies and procedures are at addressing the risk of identity theft when opening new covered accounts;
4. How effective Discovery Bay's policies and procedures are at addressing the risk of identity theft concerning existing covered accounts;
5. How effective Discovery Bay's arrangements with its service providers are at preventing identity theft;
6. Whether any changes should be made to those policies or procedures or to the arrangements with service providers;
7. Any other issues that bear on the risks of identity theft to Discovery Bay's customers or personnel.

## V.

### **UPDATING THE IDENTITY THEFT PREVENTION PROGRAM**

The General Manager must review the Program at least once annually to determine and adapt to any changes in risks to consumers from identity theft. In reviewing the Program, the General Manager should be alert to, among other things:

- Changes in the risk assessment set out under Section II.
- Any Red Flags that may be identified in account systems or procedures, including associated account systems or procedures.
- Evolving methods of identity theft.
- Evolving methods of detecting, preventing or mitigating identity theft.
- Changes in business arrangements, including consolidations, associations, large-scale data or personnel transfers, or changes in service provider arrangements.

## VI.

### **CONCLUSION**

Discovery Bay is committed to protecting its customers and employees and to that end requires strict adherence to the procedures set forth in this Program. However, no set of procedures can substitute for the judgment of an individual. Alertness is therefore crucial to preventing identity theft.





**Town of Discovery Bay  
Community Services District**

**RESOLUTION NO. 2010-04**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT (District) ORDERING  
EVEN-YEAR BOARD OF DIRECTORS ELECTION; CONSOLIDATION OF ELECTIONS; AND  
SPECIFICATIONS OF THE ELECTION ORDER**

**WHEREAS**, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year; and

**WHEREAS**, other elections may be held in whole or in part of the territory of the district and it is to the advantage of the district to consolidate pursuant to Elections Code Section 10400; and

**WHEREAS**, Elections Code Section 10520 requires each district involved in a general election to reimburse the county for actual costs incurred by the county elections officials in conducting the election for that district; and

**WHEREAS**, Elections Code Section 13307 requires that before the nominating period opens the district board must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; determine the number of words, may estimate the cost; and determine whether the estimate must be paid in advance; and

**WHEREAS**, Elections Code Section 12112 requires the elections official of the principal county to publish a notice of the election once in a newspaper of general circulation in the district;

**NOW, THEREFORE, BE IT RESOLVED** that an election be held within the territory included in this district on the 2<sup>nd</sup> day of November, 2010, for the purpose of electing members to the Board of Directors of said district in accordance with the following specifications:

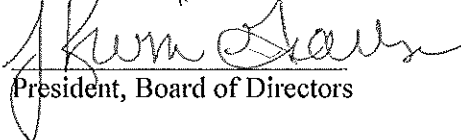
### SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 2<sup>nd</sup> day of November 2010. The purpose of the election is to choose members of the board of directors for the following seats:  
Board of Director - Term End Date 12/03/2010  
Board of Director - Term End Date 12/03/2010  
Board of Director - Term End Date 12/03/2010
2. The District has determined that the Candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 300 words. As a condition of having the Candidate's Statement published, the candidate shall pay the estimate cost at the time of filing. The District hereby accepts the Election Division estimated cost for a candidate statement as the following: \$490.00.
3. The district directs that the County Registrar of Voters of the principal county publish the Notice of Election in a newspaper of general circulation that is regularly circulated in the territory.
4. This Board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, pursuant to Elections Code 10400.
5. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
6. The Secretary of the Board is ordered to deliver copies of this Resolution, to the Registrar of Voters.

**PASSED AND ADOPTED** by the Board of Directors of the Town of Discovery Bay Community Services District, at their regular meeting thereof, held on June 2, 2010 by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTENTION: 0

J. Kevin Graves

  
President, Board of Directors

ATTEST:

  
Virgil Kohn, Secretary  
Board of Directors



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2010-05**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD)  
CONCERNING THE RAVENSWOOD  
IMPROVEMENT DISTRICT – DB L&L ZONE # 9 - ANNUAL ASSESSMENT**

WHEREAS, the Board of Directors of the Town of Discovery Bay CSD, pursuant to a will-serve letter with the developer of that subdivision known as Ravenswood, has formed a landscaping, park, lighting and open space district, known as Ravenswood Improvement District – DB L&L Zone #9, for the purpose of providing for the operation and maintenance of landscaping, parks, street lights and open space installed in said subdivision by developer; and

WHEREAS, the Board of Directors now desires to levy the annual assessment for fiscal year 2010-2011 for such district.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Town of Discovery Bay CSD as follows:

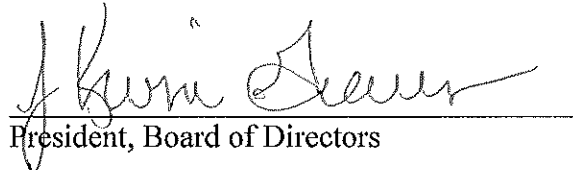
1. The Board of Directors of the Town of Discovery Bay Community Services District, in an effort to deter crime, provide traffic safety, aid law enforcement, and provide a better neighborhood environment has formed an assessment district pursuant to California Streets & Highway Code, Division 15, Part 2, sections 22500 and following, pursuant to Resolution 2005-03.
2. The improvements, the operation and maintenance of which are intended to be funded by the assessments levied by the proposed assessment district, include all expenses associated with the maintenance and operation of non-privately owned landscaping, parks, street lights, and open space in the subdivision 8710 known as Ravenswood.
3. The assessment district consists of that property generally described as Subdivision 8710-Ravenswood being a subdivision of a portion of the Northwest quarter of Section 26, Township 1 North, Range 3 East, Mount Diablo Meridian as recorded in Book 458 of Maps, Pages 1-15, Contra Costa County Records.
4. There are proposed new improvements and change in existing improvements in said district.

5. HERWIT Engineering is hereby ordered to prepare a report for annual assessment for the assessment District in accordance with Article 4, of Chapter 1, of Part 2, of Division 15 (commencing with § 22565), of the California Streets and Highways Code, and to file it with the Secretary of the Board of Directors of the Town of Discovery Bay Community Services District.
6. The Board of Directors finds and declares that the formation of the assessment district, and the levy of assessments, is exempt from the requirement of the California Environmental Quality Act (CEQA), pursuant to Title 14 of the California Code of Regulations section 15273(a), in that such formation and levy is not designed to increase services, or expand a system, but is for the purpose, with respect to systems already determined to be installed pursuant to the various documents approving the Ravenswood subdivision, of meeting operating expenses, purchasing supplies, equipment and materials, meeting financial reserve needs, and obtaining funds necessary for repair and replacement to maintain such services and systems.
7. If, and when, the annual assessment is levied, the Secretary of the Board of Directors is authorized and directed to file a notice of exemption from CEQA.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay Community Services District, at a regular meeting thereof, held on June 2, 2010, by the following vote:

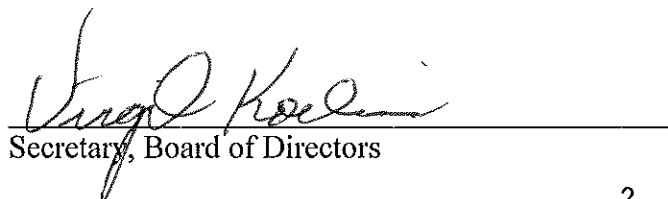
AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTENTION:	<u>0</u>

J. Kevin Graves

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

VIRGIL KOEHNE

  
\_\_\_\_\_  
Secretary, Board of Directors



Town of Discovery Bay CSD  
Resolution No. 2010-06

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
AMENDING RESOLUTION NO. 2004-08 AND APPOINTING  
ECC BANK, A DIVISION OF BANK OF AGRICULTURE AND COMMERCE BANK FOR A MAJORITY OF  
WARRANTS**

WHEREAS, pursuant to former Section 61737.01 of the California Government Code, the District appointed a bank or savings and loan association as depository for a portion of the District's funds; and

WHEREAS, Senate Bill 135 (Chapter 249 of the Statutes of 2005) repealed former Section 61737.01; and

WHEREAS, Senate Bill 135 in Section 61003 of the Government Code preserved existing resolutions of community services districts; and

WHEREAS, it is necessary to preserve Resolution No. 2004-08 which created a fund of \$400,000.00 to carry out the District's purposes even though the County of Contra Costa serves as the depository for the bulk of the District's funds.

NOW, THEREFORE, it is resolved by the Board of Directors of the Town of Discovery Bay Community Services District amends Resolution No. 2004-08 as follows:

SECTION 1. The ECC Bank, Discovery Bay Branch, 14804 A Highway 4, Discovery Bay, CA 94505, is hereby appointed as an alternative depository for District funds, which funds shall not exceed \$400,000.00; and

SECTION 2. The General Manager shall act as the District Treasurer for these funds and shall carry out the requirements of California Government Code Section 61053; and

SECTION 3. Signatures requirement for checks issued from this account shall be in accordance with Article VII of the District's Bylaws.

SECTION 4. Effect. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay Community Services District, at a regular meeting thereof, held on June 16, 2010, by the following vote:


AYES: 5

NOES: 0

ABSENT: 0

ABSTENTION: 0

J. Kevin Graves

  
President, Board of Directors

ATTEST:

VIRGIL KOEHNE

  
Secretary, Board of Directors





**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2010-07**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
ESTABLISHING CHARGES FOR WATER AND WASTEWATER SERVICE AND  
CONTINUING COLLECTION OF WATER AND WASTEWATER  
SERVICE CHARGES ON THE COUNTY ROLL**

WHEREAS, the Board of Directors of the Town of Discovery Bay Community Services District ("Board") has caused to be prepared a report entitled "Water and Wastewater Rate Study – June 2010" by Hornberger Engineering of Campbell (called the "Report"); and

WHEREAS, the Board has adopted the Report; and

WHEREAS, the Board has determined that it is necessary to increase the water and wastewater service charges for metered users; and

WHEREAS, the Board has determined that it is necessary to increase the water and wastewater service charges for non-metered residential users and to collect such charges on the County tax rolls; and

WHEREAS, the Board has determined that it is necessary to accept and continue in effect those charges for water and sewer services established by Contra Costa County Sanitation District 19 pursuant to its Ordinance No. 18, and accepted and continued by Town of Discovery Bay Community Services District Ordinance No. 1, including collection of those charges on the County tax rolls, for those users within the Town which are not metered or are not non-metered residential users; and

WHEREAS, the Board finds and declares that the Town of Discovery Bay Community Services District has prepared a report of all parcels in the district receiving water and wastewater services, and the amount of the charge for each parcel for the year; and that written notice of said report was mailed to each person to whom any parcel of real estate described in such report is assessed; and that the Town of Discovery Bay Community Services District has held a public hearing pursuant to Government Code section 61115; and

WHEREAS, the Board finds and declares that the Town of Discovery Bay Community Services District has complied with the requirements of California Constitution Article XIID, Section 6 (Proposition 218), and that no majority protest was received;

NOW THEREFORE BE IT RESOLVED the Board of Directors of the Town of Discovery Bay Community Services District as follows:

1. The above recitals are true and correct, and are incorporated as part of this Resolution.
2. For Fiscal Year 2010/2011 the water and wastewater are established as set forth in Table 1 and Table 2, attached hereto as Exhibit A.
3. The General Manager shall have the authority, in the event of a parcel having large irrigated areas, to reduce the sewer use component of the above rates to recognize that water for irrigation does not enter the wastewater system.
4. The rates for water and wastewater service for all parcels which are non-metered and are not included in the categories set forth in Exhibit A of this Resolution are continued at the level established by Contra Costa County Sanitation District 19 pursuant to its Ordinance No. 13, and accepted and continued by the Town of Discovery Bay Community Services District Ordinance No. 1.
5. The Board finds and declares that the annual charge for non-metered water and wastewater services shall be collected on the Contra Costa County tax roll as set forth in Government Code §§ 61115 and following, and the Secretary of the Town of Discovery Bay Community Services District is authorized and directed to file the report of such charges, and all other documents necessary, with the Auditor-Controller of Contra Costa County.
6. For fiscal year 2011/2012 and thereafter the rates set forth in this Resolution shall be changed each year as inflation rises or falls and the cost of labor to read metered water meters increases or decreases. This change shall be based on the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose, CA area. This percentage shall increase or decrease each fiscal year by using the CPI for the two (2) previous years.
7. The Board finds and declares that the adoption of this Resolution and the rates established herein is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14, California Code of Regulations § 15273(a), and specifically adopts and incorporates herein as part of the record and as findings those sections of the Report which discuss the need for revenue, including the projected total operating expenses, the capital projects and the improvements required, and specifically finds and declares that the charges established herein are for the purposes specified in Title 14, California Code of Regulations, § 15273(a)(1) through 15273(a)(4), and not to fund expansion of either the water or the wastewater system.

8. The Secretary of the Town of Discovery Bay Community Services District is authorized and directed to file a Notice of Exemption pursuant to Title 14, California Code of Regulations, §15062.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay on August 4, 2010, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

ATTEST:

By: J. Kevin Graves  
J. KEVIN GRAVES, President  
Town of Discovery Bay C.S.D.

By: Richard J. Howard  
RICHARD J. HOWARD, Secretary  
Town of Discovery Bay C.S.D.

"Exhibit A"

<b>Table 1 - WATER</b>		<b>Existing FY 2009/10</b>		<b>Proposed FY 2010/11</b>	
<b>Residential Unmetered</b>		<b>Monthly</b>	<b>Yearly</b>	<b>Monthly</b>	<b>Yearly</b>
		<b>(\$/month/DU)</b>	<b>(\$/year/DU)</b>	<b>(\$/month/DU)</b>	<b>(\$/year/DU)</b>
Parcel Size (Square Feet/DU)					
Under 5,000		\$17.06	\$204.72	\$18.75	\$225.00
5,000 - 10,000		\$21.59	\$259.08	\$23.77	\$285.24
10,001 - 15,000		\$26.12	\$313.44	\$28.79	\$345.48
Over 15,000,		\$26.12	\$313.44	\$28.79	\$345.48
Plus Each Additional 1,000		\$1.51	\$18.12	\$1.67	\$20.04
<b>WATER</b>		<b>Monthly</b>	<b>Use</b>	<b>Monthly</b>	<b>Use</b>
<b>All Metered</b>		<b>(\$/month)</b>	<b>(\$/ccf)</b>	<b>(\$/month)</b>	<b>(\$/ccf)</b>
Nonirrigation Account Charge:					
5/8" Inch Meter		\$3.47		\$5.49	
1 Inch Meter		\$3.47		\$5.74	
1 1/2 Inch Meter		\$3.47		\$5.98	
2 Inch Meter		\$3.47		\$6.66	
3 Inch Meter		\$3.47		\$11.61	
4 Inch Meter		\$3.47		\$13.45	
6 Inch Meter		\$3.47		\$17.73	
Irrigation Account Charge:					
5/8" Inch Meter		\$0.00		\$1.80	
1 Inch Meter		\$0.00		\$2.05	
1 1/2 Inch Meter		\$0.00		\$2.29	
2 Inch Meter		\$0.00		\$2.97	
3 Inch Meter		\$0.00		\$7.92	
4 Inch Meter		\$0.00		\$9.76	
6 Inch Meter		\$0.00		\$14.04	
Metered Usage Charge:					
All Usage			\$0.822		\$0.803
<b>Table 2 - WASTEWATER</b>		<b>Existing FY 2009/10</b>		<b>Proposed FY 2010/11</b>	
<b>Residential Unmetered</b>		<b>Monthly</b>	<b>Yearly</b>	<b>Monthly</b>	<b>Yearly</b>
		<b>(\$/month)</b>	<b>(\$/year)</b>	<b>(\$/month)</b>	<b>(\$/year)</b>
Single Family - Each DU		\$40.78	\$489.36	\$44.38	\$532.56
Multiple Family/Condos - Each DU		\$30.58	\$366.96	\$33.29	\$399.48
<b>Nonresidential Metered</b>		<b>Use</b>		<b>Use</b>	
		<b>(\$/ccf)</b>		<b>(\$/ccf)</b>	
Business/Government/Clubs		\$2.975		\$3.082	
Restaurants/Bars/Dining Facilities		\$8.437		\$9.048	
Schools		\$2.680		\$2.773	
Other Domestic Strength Users		\$2.975		\$3.082	

DU = Dwelling Unit

ccf = 100 cubic feet = 748 gallons

The charges above are based on the "Water & Wastewater Rate Study" by Hornberger Engineering prepared for the District.

Water and wastewater rates comply with Proposition 218 and the wastewater rates also comply with the Revenue Program Guidelines of the State Water Resources Control Board.

**Enclosure to:**  
**RESOLUTION NO. 2010-07**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2010-08**

**RESOLUTION OF INTENTION OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD)  
TO LEVY AND COLLECT AN ANNUAL ASSESSMENT  
FOR THE RAVENSWOOD IMPROVEMENT DISTRICT – DB L&L ZONE #9  
FOR THE FISCAL YEAR 2010-2011**

WHEREAS, the Board of Directors of the Town of Discovery Bay Community Services District (CSD), pursuant to a development agreement with the developer of that subdivision known as Ravenswood formed a landscaping, park, lighting and open space district, for the purpose of providing for the operation and maintenance of landscaping, park, lighting and open space installed in said subdivision by developer; and

WHEREAS, said subdivision is generally located along Blake Court, Coleridge Way, Wilde Drive, Shakespeare Court, Slifer Court and Seuss Court, and

WHEREAS, the Board of Directors now desires to declare its intention to levy an annual assessment within such district.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Town of Discovery Bay CSD as follows:

1. The Board of Directors of the Town of Discovery Bay CSD, in an effort to deter crime, provide traffic safety, aid law enforcement, and provide a better neighborhood environment has formed an assessment district pursuant to California Streets & Highway Code, Division 15, Part 2, sections 22500 and following, and to levy and collect assessments thereunder, pursuant to Resolution 2005-03.
2. The improvements, the operation and maintenance of which are intended to be funded by the assessments levied by the proposed assessment district, include all expenses associated with the maintenance and operation of non-privately owned landscaping, park, lighting and open space in the subdivision known as Ravenswood.
3. The assessment district consists of that property generally described as Subdivision 8710-Ravenswood being a subdivision of a portion of the Northwest quarter of Section 26, Township 1 North, Range 3 East, Mount Diablo Meridian as recorded in Book 458 of Maps, Pages 1-15, Contra Costa County Records.



4. The designation for the assessment district is "Ravenswood Improvement District" –DB L&L Zone #9.
5. HERWIT Engineers have prepared and filed with the Secretary of the Board of Directors a report detailing the full and detailed designation of the improvements, and the boundaries of, and the proposed assessments upon assessable lots and parcels of land within, the Ravenswood Improvement District, and the Board of Directors hereby adopts and approves said report.
6. A hearing by the Board of Directors on the question of levy of annual assessments of the Ravenswood Improvement District –DB L&L Zone #9 for the fiscal year 2010-2011 year will be held at 7:00 p.m., on August 4, 2010, at 1800 Willow Lake Road, Discovery Bay, CA 94505.

PASSED AND ADOPTED by the Town of Discovery Bay Community Services District Board of Directors, at a regular meeting thereof, held on August 4, 2010, by the following vote:

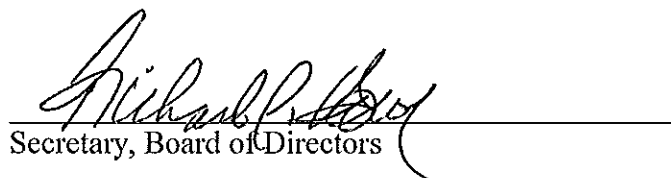
AYES: 5  
NOES: Ø  
ABSENT: Ø  
ABSTENTION: Ø

J. KEVIN GRAVES

  
President, Board of Directors

ATTEST:

RICHARD J. HOWARD

  
Secretary, Board of Directors

**FINAL ASSESSMENT ENGINEER'S  
REPORT**

**Prepared for the**

**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**Landscaping, Park, Lighting and Open-Space  
Improvements District DB L&L #9**

**For Fiscal Year 2010-2011**

**Prepared by  
HERWIT Engineering**

**6200 Center Street, Suite 310  
Clayton, California 94517  
(925) 672-6599**

**JULY 2010**



**Enclosure to:  
RESOLUTION NO. 2010-08**

**Town of Discovery Bay Community Services District**

**Director and President**

Kevin Graves

**Director and Vice President**

Mark Simon

**Director and Treasurer**

Brian Dawson

**Director**

David Piepho

**Director**

Ray Tetreault

**General Manager**

Rick Howard

**Water and Wastewater Manager**

Virgil Koehne

**Landscape Manager**

Fairin Perez

**District's Attorney**

Neumiller & Beardslee

**Assessment Engineer**

HERWIT Engineering

Date: July 2010

**Assessment Engineers Report  
For  
Landscape, Park, Lighting and Open-Space District DB L&L #9, Zone #1  
Subdivision 8710 (Ravenswood)**

Pursuant to Governmental Code 61710 and procedures of the Landscaping and Lighting District Act of 1972, the Town of Discovery Bay Community Services District (CSD) is responsible for the Landscape, Park, Lighting and Open-Space District DB L&L #9 submits this "Assessment Engineers Report" for the 2010-2011 year, which consists of five (5) parts as follows.

**PART A. Plans and Specifications**

This part describes the improvements in this District. The plans, drawings and specifications are on file in the Town of Discovery Bay CSD District Office. A listing of these documents and drawings are outlined in the original Assessment Engineers Report approved in 2006.

**PART B. Estimate of Cost**

This part contains an estimate of the cost of proposed improvements, including incidental costs and expenses in connection therewith, is as forth on the lists, which are on file in the Town of Discovery Bay CSD District office.

**PART C. Method of Apportionment of Assessment**

This part contains the method by which the undersigned engineering firm has determined the amount proposed to be assigned against each parcel, based upon parcel classification of land within this District, in proportion to the estimated benefits to be received. This listing is also on file in the Town of Discovery Bay CSD District office.

**PART D. District Diagram of Assessment**

This part by reference of a diagram shows the parcel lot numbers that are within this District.

**PART E. Property Owner List & Assessment Roll**

The listing of Assessed parcels and their owners are on file in the Town of Discovery Bay CSD District office.

**Engineers Assessment Report for 2009-2010 year**

During this time period the DB L&L #9, Zone #1 District financial report is as follows:

\$ 82,418	Annual assessments & investment revenue was received
\$ 90,793	Annual expenses grounds maintenance, capital improvements, and administrative expenses.

A copy of the income and expenses is attached to this report.

**\$ 234,262** Fund total after 2009-2010 annual expenses.

**Note:** The expenses were higher for the 2009-2010 time period than the previous years because the Town of Discovery Bay CSD is currently managing the District and some capital improvements were constructed for the District. However, even with the higher expenses, the District reserve is above its maximum amount per the requirements of the District as adopted in 2006. Excess Revenues above the maximum allowable reserve balance were therefore used to reduce the required 2010-2011 assessment.

### *Current Assessment*

The 2009-2010 fiscal year assessment per parcel based on the engineer's formula defined in the Assessment Engineers Report adopted in 2006 is \$406 per parcel. This is less than the initial year assessment as defined in the Assessment Engineers Report because excess revenues from the previous year were used to reduce the assessment.

### *Inflation Adjustment to Maximum Assessment*

The maximum assessment defined in the Assessment Engineers Report adopted in 2006 is \$501 per parcel based upon build out of the facilities and maintenance of the storm water basins. As specified in the Assessment Engineers Report, the maximum assessment is escalated annually by the consumer price index for San Francisco-Oakland-San Jose. At the time of preparation and adoption of the Assessment Engineers Report, the CPI index as published by the Bureau of Labor Statistics (BLS) for the Consolidated Metropolitan Statistical Area (CMSA) covering San Francisco – Oakland – San Jose reported for April 2006 was 208.9. The base year for the index is an average of 1982, 1983, and 1984 (hence 1982-1984=100). On April 2010, the same CPI index is reported as 227.7. Based upon the change in the CPI, the new maximum assessment allowed for the 2010-2011 fiscal year is \$546.09.

### *Calculation of Maximum Reserve Account Balance*

As stated in the adopted Assessment Engineers Report, the total funds in the reserve account are limited to 200% of the total funds collected by the District's not to exceed annual assessment. The new maximum not to exceed annual assessment allowable for the 2010-2011 fiscal year is \$546.09. This assessment is equally assessed to 203 parcels for an annual total of \$110,856.27. Therefore, the maximum Reserve Account Balance is \$221,711.57. After the reserve account has accrued to the maximum amount, any money received by the District in excess of annual maintenance and administrative costs will be returned to the property owner in the form of a reduced assessment in the following fiscal year.

### *New Assessment for 2010-2011 Fiscal Year*

The District will incur normal expenses for the maintenance of the landscape District this year. In addition, during this fiscal year, the District is also scheduled to construct capital improvements. The estimated budget for 2010-2011 is \$95,955. This equates to \$472.68 per parcel for all 203 parcels. However, the reserve is currently overfunded by \$12,550.43. This equates to \$61.82 per parcel for all 203 parcels. The difference between these two numbers (\$472.68-\$61.82) is the necessary assessment for the 2010-2011 fiscal year.

Based on this report, the assessment for 2010-2011 tax year must be reduced to avoid overfunding the reserve fund. The Assessment for the 2010-2011 fiscal year is then \$410.86 per parcel applied equally to all 203 parcels as defined in the adopted Assessment Engineers Report.



[illegible]

LANDSCAPING, PARK, LIGHTING AND OPEN-SPACE IMPROVEMENTS DISTRICT DB L&amp;L #3, ZONE 1

**Ravenswood DB #9 APNs for Tax Roll Year 2010-11  
PART "E"**

<b>APN</b>	<b>Situs Address</b>	<b>Assessment</b>
011-600-001-9	701 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-002-7	707 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-003-5	715 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-004-3	719 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-005-0	725 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-006-8	731 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-007-6	732 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-008-4	726 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-009-2	720 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-010-0	714 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-011-8	708 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-012-6	702 BLAKE CT DISCOVERY BAY, CA 94505-2659	\$410.86
011-600-013-4	1501 COLERIDGE WAY BYRON, CA 94505-2657	\$410.86
011-600-014-2	1509 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-600-015-9	1517 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-600-016-7	1525 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-600-017-5	1533 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-600-018-3	600 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-019-1	608 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-020-9	616 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-021-7	624 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-022-5	632 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-023-3	640 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-024-1	648 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-025-8	641 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-026-6	633 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-027-4	625 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-028-2	617 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-029-0	609 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-030-8	601 DICKINSON CT DISCOVERY BAY, CA 94505-2661	\$410.86
011-600-031-6	1400 CULLEN DR DISCOVERY BAY, CA 94505-2662	\$410.86
011-600-032-4	1412 CULLEN DR DISCOVERY BAY, CA 94505-2662	\$410.86
011-600-033-2	1424 CULLEN DR DISCOVERY BAY, CA 94505-2662	\$410.86
011-600-034-0	404 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-035-7	410 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-036-5	416 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-037-3	422 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-038-1	428 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-039-9	434 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-040-7	440 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-041-5	446 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-042-3	452 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-043-1	458 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-044-9	459 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-045-6	453 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-046-4	447 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-047-2	441 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-048-0	435 EMERSON CT DISCOVERY BAY, CA 94505	\$410.86
011-600-049-8	429 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-050-6	423 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-051-4	417 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-052-2	411 EMERSON CT DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-053-0	405 EMERSON CT 110 DISCOVERY BAY, CA 94505-2663	\$410.86
011-600-054-8	502 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-600-055-5	510 KEATS CT 112 DISCOVERY BAY, CA 94505-2637	\$410.86
011-600-056-3	511 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-600-057-1	503 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-600-058-9	1436 CULLEN DR DISCOVERY BAY, CA 94505-2638	\$410.86
011-600-059-7	1448 CULLEN DR DISCOVERY BAY, CA 94505-2638	\$410.86
011-610-001-7	1541 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-610-002-5	1549 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86

APN	Situs Address	Assessment
011-610-003-3	1557 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-610-004-1	1565 COLERIDGE WAY DISCOVERY BAY, CA 94505-2657	\$410.86
011-610-005-8	1671 WILDE DR BYRON, CA 94505-2655	\$410.86
011-610-006-6	1679 WILDE DR DISCOVERY BAY, CA 94505-2655	\$410.86
011-610-007-4	1687 WILDE DR DISCOVERY BAY, CA 94505-2655	\$410.86
011-610-008-2	1695 WILDE DR DISCOVERY BAY, CA 94505-2655	\$410.86
011-610-009-0	403 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-010-8	411 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-011-6	419 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-012-4	428 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-013-2	420 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-014-0	412 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-015-7	404 SHAKESPEARE CT DISCOVERY BAY, CA 94505-2654	\$410.86
011-610-016-5	501 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-017-3	509 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-018-1	517 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-019-9	524 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-020-7	516 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-021-5	508 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-022-3	500 SLIFER CT DISCOVERY BAY, CA 94505-2653	\$410.86
011-610-023-1	1467 CULLEN DR DISCOVERY BAY, CA 94505-2639	\$410.86
011-610-024-9	4308 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-025-6	4316 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-026-4	4324 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-027-2	4332 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-028-0	4340 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-029-8	4348 CUMMINGS LN DISCOVERY BAY, CA 94505-2660	\$410.86
011-610-030-6	1552 COLERIDGE WAY DISCOVERY BAY, CA 94505-2658	\$410.86
011-610-031-4	1568 COLERIDGE WAY DISCOVERY BAY, CA 94505-2658	\$410.86
011-610-032-2	1688 WILDE DR DISCOVERY BAY, CA 94505-2656	\$410.86
011-610-033-0	1692 WILDE DR BYRON, CA 94505-2656	\$410.86
011-610-034-8	1696 WILDE DR DISCOVERY BAY, CA 94505-2656	\$410.86
011-610-035-5	1700 WILDE DR DISCOVERY BAY, CA 94505-2656	\$410.86
011-610-036-3	1704 WILDE DR DISCOVERY BAY, CA 94505-2656	\$410.86
011-610-037-1	1708 WILDE DR DISCOVERY BAY, CA 94505-2656	\$410.86
011-610-038-9	1453 CULLEN DR DISCOVERY BAY, CA 94505	\$410.86
011-610-039-7	518 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-040-5	526 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-041-3	534 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-042-1	542 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-043-9	550 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-044-7	543 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-045-4	535 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-046-2	527 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-047-0	519 KEATS CT DISCOVERY BAY, CA 94505-2637	\$410.86
011-610-048-8	1460 CULLEN DR DISCOVERY BAY, CA 94505-2638	\$410.86
011-610-049-6	1472 CULLEN DR DISCOVERY BAY, CA 94505-2638	\$410.86
011-610-050-4	1718 WILDE DR DISCOVERY BAY, CA 94505-2640	\$410.86
011-610-051-2	1729 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-052-0	1725 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-053-8	1721 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-054-6	1717 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-055-3	1713 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-056-1	1709 WILDE DR DISCOVERY BAY, CA 94505-2641	\$410.86
011-610-057-9	1703 WILDE DR BYRON, CA 94505-2641	\$410.86
011-610-058-7	1812 FROST WAY DISCOVERY BAY, CA 94505-2682	\$410.86
011-610-059-5	1824 FROST WAY BYRON, CA 94505-2682	\$410.86
011-610-060-3	1836 FROST WAY DISCOVERY BAY, CA 94505-2682	\$410.86
011-610-061-1	1848 FROST WAY DISCOVERY BAY, CA 94505-2682	\$410.86
011-610-062-9	1860 FROST WAY BYRON, CA 94505-2682	\$410.86
011-610-063-7	1872 FROST WAY DISCOVERY BAY, CA 94505-2682	\$410.86
011-610-064-5	1884 FROST WAY DISCOVERY BAY, CA 94505-2682	\$410.86
011-610-065-2	4281 SLIFER DR DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-066-0	4284 SLIFER DR BYRON, CA 94505-2644	\$410.86

APN		Site Address	Assessment
011-610-067-8	1909 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-610-068-6	1745 WILDE DR	DISCOVERY BAY, CA 94505-2645	\$410.86
011-610-069-4	4228 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-070-2	4236 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-071-0	4244 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-072-8	4252 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-073-6	4260 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-074-4	4268 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-075-1	4276 SLIFER DR	DISCOVERY BAY, CA 94505-2644	\$410.86
011-610-076-9	4273 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-077-7	4265 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-078-5	4257 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-079-3	4249 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-080-1	4241 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-081-9	4233 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-082-7	4225 SLIFER DR	DISCOVERY BAY, CA 94505-2646	\$410.86
011-610-083-5	1741 WILDE DR	DISCOVERY BAY, CA 94505-2643	\$410.86
011-610-084-3	1737 WILDE DR	DISCOVERY BAY, CA 94505-2643	\$410.86
011-610-085-0	104 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-086-8	108 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-087-6	112 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-088-4	116 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-089-2	118 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-090-0	124 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-091-8	130 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-092-6	127 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-093-4	123 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-094-2	119 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-095-9	115 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-096-7	111 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-097-5	107 TENNYSON CT	DISCOVERY BAY, CA 94505-2642	\$410.86
011-610-098-3	1733 WILDE DR	DISCOVERY BAY, CA 94505-2641	\$410.86
011-620-001-5	603 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-002-3	609 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-003-1	615 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-004-9	622 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-005-6	614 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-006-4	608 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-007-2	602 SEUSS CT	DISCOVERY BAY, CA 94505-2652	\$410.86
011-620-008-0	1960 FROST WAY	DISCOVERY BAY, CA 94505-2650	\$410.86
011-620-009-8	1968 FROST WAY	DISCOVERY BAY, CA 94505-2650	\$410.86
011-620-010-6	1976 FROST WAY	DISCOVERY BAY, CA 94505-2650	\$410.86
011-620-011-4	1982 FROST WAY	DISCOVERY BAY, CA 94505-2650	\$410.86
011-620-012-2	709 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-013-0	717 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-014-8	725 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-015-5	745 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-016-3	748 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-017-1	740 WILDE CT	BYRON, CA 94505-2649	\$410.86
011-620-018-9	732 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-019-7	724 WILDE CT	DISCOVERY BAY, CA 94505-2649	\$410.86
011-620-020-5	1917 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-620-021-3	1925 FROST WAY	BYRON, CA 94505-2651	\$410.86
011-620-022-1	1933 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-620-023-9	1941 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-620-024-7	1949 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-620-025-4	1957 FROST WAY	DISCOVERY BAY, CA 94505-2651	\$410.86
011-620-026-2	1789 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-027-0	1783 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-028-8	1777 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-029-6	1771 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-030-4	1765 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-031-2	1759 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86
011-620-032-0	1753 WILDE DR	DISCOVERY BAY, CA 94505-2647	\$410.86

APN		Situs Address	Assessment
011-620-033-8	208 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-034-6	214 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-035-3	220 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-036-1	226 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-037-9	232 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-038-7	238 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-039-5	244 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-040-3	239 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-041-1	233 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-042-9	227 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-043-7	221 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-044-5	215 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-045-2	209 WHITMAN CT	DISCOVERY BAY, CA 94505-2648	\$410.86
011-620-046-0	1749 WILDE DR	DISCOVERY BAY, CA 94505-2645	\$410.86
		<b>Total</b>	<b>\$83,404.58</b>

**D.Bay L&L Park #8 District**  
**Revenue & Expenditure Budget vs. Actuals Worksheet 2009-2010**  
**Proposed Budget for 2010-11**

Revenue:	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru May	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget
Current Funds in Contra Costa County	740	\$83,412						
Accounts Payable - Yr End	500		\$166,736	\$247,587	\$242,637	98%	\$242,637	\$234,262
Retainage Account	510							
Disbursements	830	(\$66)						
Current Property Taxes	9010	\$87,493	\$87,453	\$87,514	\$82,418	94%	\$82,418	\$82,500
Property Tax Supplemental/Unitary/Secured	9011/13/30/31							
SRAP State Rev Transfer	9018							
Property Taxes-Current Unsecured	9020							
Property Taxes-Prior-Unsecured	9035							
Earnings on Investment	9181	\$1,285	\$316					
H/O Prop Tax Relief/State Aid/In Lieu Taxes	9385/9435/6580							
Misc Revenue & Services	97993/9975							
<b>Total Revenue</b>		<b>\$172,104</b>	<b>\$254,442</b>	<b>\$335,101</b>	<b>\$325,055</b>	<b>% Yr End Estimate vs. Budget</b>	<b>\$325,055</b>	<b>\$316,762</b>
							<b>97.0%</b>	

Expenditure: Operating Expenses	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru May	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget
Office Expenses, Books, Postage	2100			(\$150)		0%	(\$50)	(\$150)
Books, Periodicals & Subscriptions	2102			(\$50)		0%	(\$50)	(\$50)
Postage	2103			(\$50)		0%	(\$50)	(\$50)
Communications	2110			(\$100)	\$37	37%	(\$100)	(\$50)
Utilities (Street Lights, Water & Garbage)	2120			(\$5,000)	(\$5,317)	106%	(\$6,200)	(\$12,500)
Small Tools & Instruments	2130			(\$100)	(\$53)	53%	(\$100)	(\$100)
Minor Equipment, Furniture less than \$1000	2131			(\$100)		0%	(\$100)	(\$500)
Household Items	2170			\$0	(\$632)		(\$632)	(\$700)
Public Notices	2190		(\$91)	(\$50)	(\$38)	76%	(\$100)	(\$150)
Memberships	2200			(\$500)		0%		(\$165)
Rent & Lease of Equipment	2250			(\$500)		0%		(\$500)
Computer Software	2251			(\$200)	(\$109)	55%	(\$150)	(\$200)
Maintenance of Equipment	2270			(\$300)		0%	(\$300)	(\$300)
Automotive Supplies & Repairs	2271			(\$300)		0%	(\$300)	(\$500)
Gasoline	2272	(\$75)						
Maintenance of Buildings	2281	(\$153)		\$0				
Grounds Maintenance	2282	(\$2,114)		(\$54,000)	(\$20,783)	38%	(\$32,573)	(\$48,540)
Requested Maintenance from County	2284/3620			\$0				
Auto Mileage/Employee Reimbursement	2301	(\$15)		(\$100)	(\$128)	128%	(\$150)	
Other Travel Employee Expenses	2303			\$0	(\$46)		(\$46)	(\$250)
Professional Services/Specialized Services	2310	(\$873)	(\$1,900)	(\$5,000)	(\$3,065)	61%	(\$3,065)	(\$2,000)
Staff Payroll	2310	(\$3,855)	(\$3,862)	(\$13,000)		0%	(\$5,430)	(\$25,500)
Insurance	2360			(\$5,000)		0%		(\$1,850)
Road/Construction Materials (Street Signs)	2470			\$0				
Other Special Expenses	2479			\$0	(\$1,249)		(\$1,249)	(\$500)
Miscellaneous Services & Supplies	2490			\$0			(\$225)	(\$300)
Taxes & Assessments	3530/3550	(\$550)	(\$423)	(\$1,000)	(\$423)	42%	(\$423)	(\$500)
Interfund Exp. Investment & Property Tax Adm.	3611			\$0				
Reimbursement for County Adm. Costs	5011			(\$100)	(\$31,880)	37%	(\$51,493)	(\$95,955)
<b>Total Operating Expenses</b>		<b>(\$5,368)</b>	<b>(\$8,543)</b>	<b>(\$85,150)</b>	<b>(\$31,880)</b>	<b>% Yr End Estimate vs. Budget</b>	<b>(\$51,493)</b>	<b>(\$95,955)</b>
							<b>60%</b>	



D.Bay L&L Park #9 District  
Revenue & Expenditure Budget vs. Actuals Worksheet 2009-2010  
Proposed Budget for 2010-11

Expenditure: Capital/Asset	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru April	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget
Various Parking Lot Improvements	4226			0				
Various Improvements (Splash Pad)	4265		(\$1,269)	\$0			(22,000)	(\$87,865)
Structure & Walkway Repairs (Solar)	4546			(\$30,000)		0%	(17,500)	(\$11,000)
Playground Equipment	4789							
Tools & Sundry Equipment	4958							
<b>Total Capital/Asset</b>			(\$1,269)	(\$30,000)	\$0	0%	(\$39,500)	(\$98,865)
				% Yr End Estimate vs. Budget		131%		
<b>Reserves</b>								
			(\$167,000)	(\$247,587)	(\$218,011)			(\$121,942)
<b>Grand Total of Operating/Capital/Reserves</b>		(\$5,368)	(\$176,812)	(\$362,737)	(\$249,891)	89%	(\$90,793)	(\$316,762)
Revenue Total minus Operating/Capital/Reserves	Fund Balance	\$166,736	\$77,630	-\$27,636	\$75,164	n/a	\$234,262	\$0



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2010-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY  
BAY COMMUNITY SERVICES DISTRICT CONFIRMING THE REPORT AND  
ORDERING THE LEVY  
AND COLLECTION OF CHARGES FOR THE ANNUAL ASSESSMENTS FOR  
RAVENSWOOD IMPROVEMENT DISTRICT ASSESSMENTS  
WITHIN THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT FOR  
THE FISCAL YEAR 2010-2011**

WHEREAS, all property owners in Ravenswood approved the formation of a landscaping, parks, lighting and open space assessment district pursuant to California Streets and Highways Code sections 22500 and following; and

WHEREAS, the formation of such district, and the levy of assessment on the real property therein was approved by the landowners in such district in accordance with California Constitution Article XIID (Proposition 218); and

WHEREAS, the assessments against the real property in each assessment area are not levied with regard to property values and these assessments are for the purpose of paying for the operation and maintenance of landscaping, parks, lighting and open space installed in such district; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT AS FOLLOWS:


1. The above recitals are true and correct.
2. The report, diagram and assessment set forth in that report ("Report") prepared by HERWIT Engineers for the Ravenswood Improvement for fiscal year 2010-2011 is adopted and confirmed.
3. The assessment specified in the Report for the Ravenswood District, for fiscal year 2010-2011 is hereby imposed on the real property within such district for fiscal year 2010-2011.

4. The Board of Directors of the Town of Discovery Bay Community Services District orders the levy and collection of such assessments in accordance with California Streets and Highway Code sections 22645 and 22646.
5. The Secretary of the Board of Directors is authorized and directed to file the diagram and assessments, and any other necessary documents, with the Auditor-Controller of Contra Costa County in accordance with California Streets and Highway Code section 22641.
6. The Secretary of the Board of Directors is authorized and directed to file a Notice of Exemption pursuant to Public Resources Code section 21080 (b)(8) and Title 14 California Code of Regulations section 15062.

PASSED AND ADOPTED by the Town of Discovery Bay Community Services District Board of Directors at a regular meeting thereof held on August 4, 2010 by the following vote:

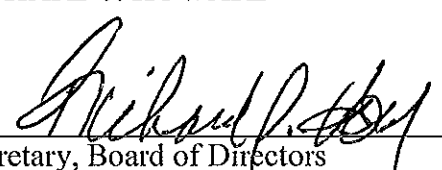
AYES: 5  
NOES: Ø  
ABSENT: Ø  
ABSTENTION: Ø

J. KEVIN GRAVES

  
President, Board of Directors

ATTEST:

RICHARD J. HOWARD

  
Secretary, Board of Directors



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2010-10**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
APPOINTING THE GENERAL MANAGER AS THE DISTRICT SECRETARY**

WHEREAS, the Town of Discovery Bay Community Services District operates under California Community Services District laws as established; and

WHEREAS, pursuant to Government Code §61240, the Board of Directors of the Discovery Bay Community Services District is required to appoint a District Secretary.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

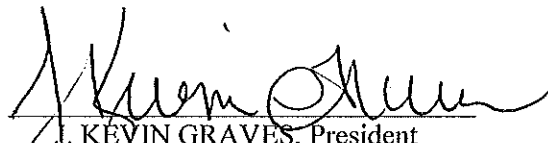
SECTION 1. That General Manager Richard J. Howard is appointed as Secretary of the District pursuant to Government Code §61240 and that all previous resolutions appointing a District Secretary are hereby rescinded. No additional compensation shall be paid to the General Manager for performance as District Secretary.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.


Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District on August 4, 2010, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

By:

  
KEVIN GRAVES, President  
Town of Discovery Bay C.S.D.

ATTEST:

  
RICHARD J. HOWARD, Secretary  
Town of Discovery Bay C.S.D.



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2010-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
MODIFYING THE MANNER PAYMENTS, WARRANTS AND INVOICES ARE PAID**

WHEREAS, Town of Discovery Bay Community Services District presently pays all invoices once District staff has received authorization through Board action; and

WHEREAS, Payments, warrants and invoices are all budgeted items and/or have previously been approved by Board action by contract or purchase order; and

WHEREAS, at times this method of disbursement results in late payments of District obligations; and

WHEREAS, by approving Warrants after payment, the Board will review and take action to approve the Check Register at each meeting; and

WHEREAS; this process allows the District to negotiate with vendors a discount for early payment, saving the District money.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the method of disbursement for payments warrants and invoices is changed to allow disbursement of payments warrants and invoices to be made without Board Authorization but that a Check Register is returned to the Board at each meeting for review and action for authorization.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District on August 4, 2010, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
J. KEVIN GRAVES, President  
Town of Discovery Bay C.S.D

ATTEST:

\_\_\_\_\_  
RICHARD J. HOWARD, Secretary  
Town of Discovery Bay C.S.D.



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2010-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
MODIFYING THE MANNER PAYMENTS, WARRANTS AND INVOICES ARE PAID**

WHEREAS, Town of Discovery Bay Community Services District presently pays all invoices once District staff has received authorization through Board action; and

WHEREAS, Payments, warrants and invoices are all budgeted items and/or have previously been approved by Board action by contract or purchase order; and

WHEREAS, at times this method of disbursement results in late payments of District obligations; and

WHEREAS, by approving Warrants after payment, the Board will review and take action to approve the Check Register at each meeting; and

WHEREAS; this process allows the District to negotiate with vendors a discount for early payment, saving the District money.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the method of disbursement for payments warrants and invoices is changed to allow disbursement of payments warrants and invoices to be made without Board Authorization but that a Check Register is returned to the Board at each meeting for review and action for authorization.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District on August 4, 2010, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
J. KEVIN GRAVES, President  
Town of Discovery Bay C.S.D

ATTEST:

\_\_\_\_\_  
RICHARD J. HOWARD, Secretary  
Town of Discovery Bay C.S.D.





**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT AUTHORIZING THE USE OF ELECTRONIC RECORDING DEVICES TO RECORD MEETINGS FOR PUBLIC RECORD, MINUTES AND CLARIFICATION AND TO PRODUCE ACTION MINUTES OF CSD BOARD MEETINGS**

WHEREAS, Town of Discovery Bay Community Services District (CSD) is a public agency and conducts regularly scheduled meetings of the Board of Directors; and

WHEREAS, it is in the public's interest that Board of Directors meetings are recorded for public record, minutes, and for clarification; and

WHEREAS, effective August 25, 2010 those meetings are recorded electronically are loaded on to the Town of Discovery Bay CSD's website at [www.todb.ca.gov](http://www.todb.ca.gov) for access by the public.


NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That Board minutes are to be in "Action Minute" format and that summary and/or verbatim minutes will only be required when a majority of the Board members present request that summary or verbatim minutes be prepared.

SECTION 2. The Board minutes will reflect that any vote of the Board that is other than unanimous will be recorded by name of the voting Member and whether the Member voted "AYE", "NO" or "ABSTAIN".

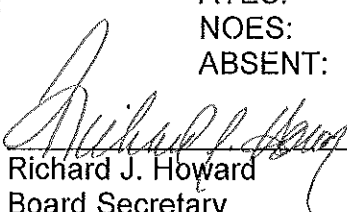
SECTION 3. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 25<sup>th</sup> DAY OF August 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on August 25, 2010, by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary





TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-12

RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974, Government Code section 81000 et seq., requires state and local government agencies to adopt and amend a Conflict of Interest Code as necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation found at California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code which may be adopted by reference; and

WHEREAS, it is necessary to amend the Conflict of Interest Code to reflect the current positions; and

WHEREAS, a public hearing was held to consider the amendments pursuant to Government Code Section 87311.

HOW THEREFORE, BE IT RESOLVED that the Board of Director amends it Conflict of Interest Code as set forth in the attached Conflict of Interest Code.

PASSED, APPROVED AND ADOPTED THIS 1<sup>ST</sup> DAY OF SEPTEMBER 2010.

J. KEVIN GRAVES

  
President, Board of Directors

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly schedule meeting, held on the 1<sup>st</sup> of September, 2010, by the following vote of the Board:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTENTION:	<u>0</u>

RICHARD J. HOWARD

  
Secretary, Board of Directors

## 2010 Local Agency Biennial Notice

Name of Agency: Town of Discovery Bay Community Services District  
Mailing Address: 1800 Willow Lake Road, Discovery Bay, CA 94505  
Contact Person: Rick Howard Office Phone No: 925.634.1131  
E-mail: Canderson@todb.ca.gov Fax No: 925.513.2705

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

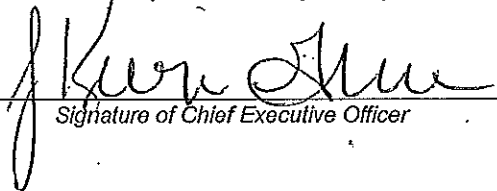
☒ An amendment is required. The following amendments are necessary:  
(Mark all that apply.)

- ☒ Include new positions (including consultants) that must be designated.
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☐ Revise disclosure categories.
- ☐ Revise the titles of existing positions.
- ☐ Delete titles of positions that have been abolished.
- ☐ Other (describe) \_\_\_\_\_

☐ No amendment is required.

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

  
\_\_\_\_\_  
Signature of Chief Executive Officer

2 SEP 10  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2010**, to:

Clerk of the Board of Supervisors  
Contra Costa County  
651 Pine Street, Room 106  
Martinez, CA 94553

**CONFLICT OF INTEREST CODE FOR THE  
TOWN OF DISCOVERY BAY COMMUNITY SERVICE DISTRICT**

The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosed categories are set forth, constitute the conflict of interest code of the Town of Discovery Bay Community Service District.

Designated members and employees shall file statements of economic interests with the Town of Discovery Bay Community Service District. The statements will be available for public inspection and reproduction. (Gov. Code Section 81008).

## APPENDIX

### DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Directors	All
General Manager	All
Water and Waste Water Manager	All
Landscape Manager	All
Attorney	All
Consultants*	All

\* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The President of the Board may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and this is not required to fully comply with the disclosure requirements described in this section. Such a written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **DISCLOSURE CATEGORIES**

1. All investments and business positions in business entities, and all sources of income and interests in real property. This category is known as full disclosure.

2. Investments in or income from persons or businesses engaged in the business of providing service or supplies, including, but not limited to, equipment, machinery, or office supplies, to the Town of Discovery Bay Community Services District, or could foreseeably provide services or supplies to the Town of Discovery Bay Community Services District

3. Interests in real property located in whole or in part within the boundaries of the Discovery Bay Community Services District, or within a two-mile radius of the Town of Discovery Bay Community Services District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property if the fair market value of the interest is greater than \$2,000.00.

4. Business positions, including, but not limited to, status as a director, officer, sole owner, partner, trustee, employee, or holder of a position of management in any business entity which, in the prior two years had contracted with, or in the future may contract with, the Town of Discovery Bay Community Services District to provide services or supplies to the Town of Discovery Bay Community Services District.



**TOWN OF DISCOVERY BAY COMMUNITY  
SERVICES DISTRICT  
RESOLUTION NO. 2010-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF  
DISCOVERY BAY COMMUNITY SERVICES DISTRICT ELIMINATING THE  
TITLE OF TREASURER FROM THE LIST OF BOARD TITLES AND ADD THE  
TITLE PRESIDENT PRO-TEMPORE TO THE LIST OF BOARD TITLES**

WHEREAS, Town of Discovery Bay Community Services District Board of Directors includes four titles; President, Vice-President, Treasurer and Director, and

WHEREAS, Government Code §61052 (a) states that "the county treasurer of the principal county shall be treasurer of the district and shall be the depository and have the custody of all of the district's money" and

WHEREAS, the Board Treasurer assumes none of the duties of the county treasurer, and is in conflict with state law, and


WHEREAS, it is prudent to identify succession of the chair in the event the President and Vice President are both absent, to be called "President Pro-Tempore."

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. In order to eliminate confusion and update the list of Board titles, hereby eliminates the title of "Board Treasurer" from the list of Board member titles and hereby creates the title of "President Pro-Tempore" to the list of Board member titles.

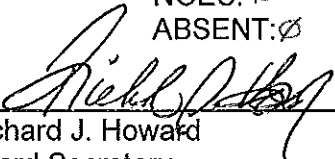
SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1<sup>st</sup> DAY OF SEPTEMBER 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on September 1, 2010 by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-14**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT ESTABLISHING POLICIES AND PROCEDURES FOR THE  
TOWN OF DISCOVERY BAY CSD WEBSITE UTILIZATION**

WHEREAS, Town of Discovery Bay Community Services District launched a new website on July 5, 2010; and

WHEREAS, it is appropriate to establish a set of policies and procedures regarding the utilization of the site; and

WHEREAS, a Town of Discovery Bay Community Services District Website policy has been drafted and contained herein by reference.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Town of Discovery Bay Community Services District Website policy contained herein by reference shall apply to the Town of Discovery Bay CSD Website hosted at <http://www.todb.ca.gov>, and any and all other websites that may be hosted in the future on behalf of the Town of Discovery Bay or the Town of Discovery Bay Community Services District.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1<sup>st</sup> DAY OF SEPTEMBER 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on September 1, 2010 by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary



## **Town Of Discovery Bay CSD WEBSITE POLICY**

Thank you for visiting the official website of the Town of Discovery Bay Community Services District. We are providing this notice to explain our online information practices and the choices you can make about the way your information is collected and used by the Town of Discovery Bay CSD.

### **Conditions of Use**

By visiting the Town of Discovery Bay CSD website, users agree that they will not use the website for any unlawful activity, or use it in any way that would violate the terms and conditions of use. This website is governed and construed by the laws of the State of California. Any use of the website shall comply with all District, State and Federal laws and regulations. Unauthorized attempts to upload information or change information on this website are strictly prohibited and may be punishable under state law and federal statutes including the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act. We monitor network traffic to identify unauthorized attempts to upload or change information or to otherwise cause damage to the District's website. Anyone using this website expressly consents to such monitoring.

Communications to the District via this website shall in no way be deemed to constitute legal or official notice to the Town of Discovery Bay CSD, its agencies, officers, employees, representatives or agents with respect to any existing, pending or future claim or cause of action against the Town of Discovery Bay CSD or any of its agencies, officers, employees, representatives or agents where notice is required by Federal, State or local law. Nor shall communications to the District via this website be deemed to constitute legal or official notice for any other purpose.

Changes are made periodically to District documents, including District documents, District regulations, guidelines, and schedules, and these changes may or may not be reflected in the materials or information present on this website. Additionally, because the site is frequently under development, materials and information may be deleted, modified or moved to a different part of the website without advance notice.

Under no circumstances shall the Town of Discovery Bay CSD be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the District be liable for any other consequences from any such reliance.

The Town of Discovery Bay CSD is neither responsible nor liable for any viruses or other contamination of your system nor for any delays, inaccuracies, errors or omissions arising out of your use of this website or with respect to the material contained on this website, including without limitation, any material posted on the website. This website and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The Town of Discovery Bay CSD is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the website and/or the materials contained on the website whether the materials contained on the website are provided by the Town of Discovery Bay CSD, or a third party. Links from Town of Discovery Bay CSD Website

The Town of Discovery Bay CSD permits the establishment of links to external websites on the District's official website solely in conformance with this website policy. In the establishment and maintenance of its official website, the District does not intend in any manner to create nor does

it create a forum or other means by which public discourse, exchange of opinions, or discussion on issues of any nature may occur. The District is not responsible for, does not endorse, and cannot assure the accuracy of information on these outside websites.

Organizations wishing to establish external links on the District's website must submit a request to the District. The request must contain all information necessary to verify the facts as stated and is necessary to determine whether the proposed link is in compliance with this policy. The Town of Discovery Bay CSD General Manager will review the merits of the requested external link, keeping in mind the criteria and examples listed below, to determine whether the link serves the overall purpose of the District's website. A request will not be denied because of a viewpoint espoused by the person or entity.

At its discretion the District may provide links to external sites that fall into one of the following categories:

Other governmental agencies; utilities, both public and private; bona fide educational institutions as defined in the Internal Revenue Code §501(c)(6); elected public officials; and local and regional public transportation agencies.

The District may, at its discretion, allow links and informational postings for events, meetings, public appearances, and other "community associated" happenings pursuant to this policy and in compliance to the following terms and conditions:

The "event" must be hosted by a public or non-profit or other Community Based organization and the event benefits Discovery Bay; the event must be open to public participation but is not necessarily a "free" event (i.e., golf tournament, fundraising event, concert, etc); the event is a charitable/fundraising event that benefits Discovery Bay in some fashion; and if the event itself is something that the community would enjoy, find valuable, or obtain valuable information by attending. The event must be held by a public or non-profit organization, or a for-profit organization doing non-profit or charitable work (for example, a company sponsoring a 5K run where the proceeds benefit charitable or non-profit organizations). The event must be open to the general public.

The Town of Discovery Bay CSD may decline to post/promote any event should the District's General Manager find that the event does not meet these guidelines and/or should anything about the event itself be found to be objectionable and inconsistent with the policies contained herein.

The Town of Discovery Bay CSD reserves the right to: (1) deny an external link request to any person, business or organization when it is determined, following review of a request, that the entity or organization for which request is made does not meet the criteria set forth in this policy; and/or (2) deny an external link request to any person, business or organization which fails to provide all required information, or fails to provide truthful information.

Some examples, but not all, of the type of websites that the District's website will not provide an external link to other websites or to promote via the events calendar are as follows:

Promoting or exhibiting hate, bias, discrimination, pornography; libelous or otherwise defamatory content; associated with, sponsored by or serving a candidate for elected office, any political party or organization supporting or seeking to defeat any candidate for elective office or any ballot proposal; associated with political organizations or other organizations advocating a position on a local, state or federal issue; and furthering the agenda of a political organization or candidate running for office. Additionally, individual and/or personal

home pages will not be Allowed.

The District reserves the right to immediately and without notice to any person or organization: (1) remove any external link if the nature of the organization or business to which the link relates no longer complies with the District's external link Policy; (2) discontinue an external link at any time if entities' website provides or promotes hate, bias, discrimination, pornography, false, slanderous, illegal, political (see above examples of websites the District will not link to), or incorrect information at any time; or (3) to revise this policy without prior notice when to do so is deemed to be in the best interests of the Town of Discovery Bay CSD.

### **Location and Appearance of External Links**

The District reserves the right to determine how and where External links will appear on its website; i.e. what page the link appears on and where the link is placed on the page.

### **Copyright/Trademark**

The District Seal, brand and banner are trademarks of the Town of Discovery Bay CSD. Any use of the materials stored on the District's website is prohibited without the written permission of the Town of Discovery Bay CSD. The Town of Discovery Bay CSD retains all intellectual property rights including copyrights on all text, graphic images and other content. This means that the following acts or activities are prohibited without prior, written permission from the Town of Discovery Bay CSD: (1) modification and/or re-use of text, images or other website content from a District server; (2) distribution of the District's website content; or (3) "mirroring" the District's information on a non-District server.

### **Third Party Materials**

Some materials and information used on the Town of Discovery Bay CSD's website were generated by third parties who have consented to the District's use or placement of such materials on this site. These materials are owned by those parties. Use of these third party materials for any purpose is prohibited. Persons seeking to use or modify third party materials for any purpose should contact the owner of such materials directly. These materials include icons and graphics used in links to other organizations' sites, as well as various items of general content.

### **Disclaimer of Endorsement**

Some of the links made available to you through the Town of Discovery Bay CSD's website will allow you to leave the District's site. Please be aware that the Internet sites available through these links, and the materials that you may find at those sites are not provided by, endorsed by or under the control of the Town of Discovery Bay CSD. Therefore, the District cannot and does not make any representation to you about these sites or the materials available on the sites. The fact that you may be able to access these additional sites from the District's website is not an endorsement or recommendation to you by the District of any of these sites or any material found there. The District is providing these links only as a convenience to you, and your access to these additional sites is done at your own risk.

### **General Disclaimer**

The materials and information contained on or obtained from this website, are distributed and transmitted "AS IS" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Information contained on this website, including information obtained from external

links thereon, is provided without any representation of any kind as to accuracy or content and should be verified by the user. The Town of Discovery Bay CSD is not responsible for any general, direct, special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the website and/or the materials contained on the site whether the materials contained on the website are provided by the Town of Discovery Bay CSD or a third party.

### **Indemnification/Hold Harmless**

By using the District's website, user agrees to indemnify or hold harmless the Town of Discovery Bay CSD for any occurrence resulting from an act of user's use of the District's website. The District will take all reasonable precautions to safeguard the confidentiality of user information, but is not liable for any injury caused by the disclosure of that information, whether caused by security breach, accident, inadvertence, or any other act resulting in disclosure.

### **Links to the Town of Discovery Bay CSD's Website**

Advance permission to link to the District's Website is not necessary. However, the organization linking to the Town of Discovery Bay CSD's website should understand that content and internal web links may change at any time without notice.

Entities and individuals shall not link to the District's website nor capture pages within frames and present the District's website content as its own, or otherwise misrepresent this website's content or misinform users about the origin or ownership of its content.

## **PRIVACY AND SECURITY POLICY**

### **Privacy Statement**

The Town of Discovery Bay CSD ("District") is committed to protecting the privacy of the individuals utilizing the District's Website; however, personal information submitted to the District's Website may be subject to disclosure pursuant to various California laws, including, but not limited to, the California Civil Discovery Act of 1986 and the California Public Records Act. The District may share such information with other agencies if: (1) the information relates to that agency; (2) to protect the interests of others; (3) to protect and defend the rights or property of the District; or (4) as otherwise provided by law.

The District's Website contains links to other sites. Please be aware that the District is not responsible for the privacy practices of such other sites. We encourage our users to be aware when they leave our site and to read the privacy statements of each and every Website that collects personally identifiable information. This privacy statement applies solely to information collected by the District's Website.

### **The Town of Discovery Bay CSD does not use its Website to:**

Collect personal information for commercial marketing. The District will not send you unsolicited email regarding any commercial offers or advertisements at any time.

Create individual profiles with the information provided by users of this site, nor does it give such personal information to third parties or private organizations. The District does not track personal information about individuals and their visits.

## **The Town of Discovery Bay CSD does use its Website to:**

Collect personal information for the purpose of responding to a user's request or input, or to complete an online transaction. If a user chooses to provide the District with personal information, such as sending an e-mail to a District employee or by filling out and submitting an online form located on the District's Website, the District may use that information to respond to the user's message and to assist in obtaining information the user may have requested. The District treats e-mails submitted by a user the same way it treats letters to the District. The District will not share e-mail addresses submitted by a user through the District's website.

Provide electronic commerce capabilities, should a user provide any personal information and/or payment information while using the District's Website. Such information may be collected, processed and disclosed to complete an online transaction and for record-keeping for such activities as billing, permits, licenses and other business-related purposes.

Collect usage statistics for site management, such as assessing what information is of most and least interest, determining technical design specifications, and identifying system performance issues. The information does not identify you personally. The following information about your visit is collected: the Internet domain and/or IP address from which you access the District's Website; the type of browser and operating system used to access the District's Website; the date and time of the visit; the pages visited; and If you link to the District's Website from another website, the address of that Website.

The District's Website may transfer information to your computer through cookies or other technology. The use of cookies or similar technology is an industry standard and does not personally identify users, although they do identify a user's computer. Cookies or similar technology can make the Internet more useful by storing information about your preferences on a particular site. If preferred, you can configure your browser to refuse cookies. However, you may not be able to take full advantage of the District's website if you do so.

## **Security Statement**

The District Website utilizes encryption technology. However, the user should not assume that information submitted to the District Web server would be treated as confidential (See above Privacy Statement). If a user submits information to the District's server through a web page containing visible indicators of active encryption technology, the District will take all reasonable precautions to safeguard the confidentiality of such information.

## **Web Accessibility Guidelines**

The Town of Discovery Bay CSD is committed to providing equal access to its electronic information technologies and services for all residents, visitors and business customers. As the World Wide Web has become an essential means by which we provide information to and conduct transactions with our community, our goal is to provide information and services in ways that work effectively for all.

It is one of our goals to continually improve the Web site to achieve compliance with the latest standards in functionality and universal accessibility. We follow the federal ADA Section 508 rules.

## **Tools for Blind & Visually Impaired Users**

Adobe, the makers of Acrobat and Acrobat Reader, have developed tools to assist blind and visually impaired users. Please visit the **Adobe Accessibility** area for more information. Please note that the tools designed to create simple HTML documents easily read by standard speech-

synthesis software will not retain the graphic images or text formatting of an original Adobe PDF.

### **Additional Applications**

Some of the services and information posted on Town of Discovery Bay CSD website require that a user download and install additional applications as part of their browser software. The basic versions of these applications are offered, at no cost, on the vendors' Web sites. These applications include:

**Adobe Acrobat Reader** - The District uses Adobe Acrobat to create Portable Document Format (PDF) files to provide online access to District documents in their original formatting. There are several converter applications available online that will convert PDF documents into a variety of alternate document formats, including simple HTML. Please visit **PDF Zone** for additional resources.



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-15**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT (CSD) RESCINDING RESOLUTION 98-31 THAT ADOPTED A  
PURCHASING SYSTEM FOR THE DISTRICT AND ADOPTING  
A PURCHASING AND PROCUREMENT POLICY**

**WHEREAS**, Town of Discovery Bay Community Services District adopted Resolution 98-31 on August 19, 1998 establishing a Purchasing System for the District; and,

**WHEREAS**, the Purchasing System authorized by Resolution 98-31 needs to be Rescinded; and,

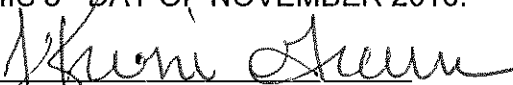
**WHEREAS**, a new Purchasing and Procurement Policy for the District has been created that is consistent with state law and District purchasing practices.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. That the original Purchasing System for the District that was established pursuant to Resolution 98-31 be Rescinded and replaced with the Purchasing and Procurement Policy and is made a part of this Resolution.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED THIS 3<sup>rd</sup> DAY OF NOVEMBER 2010.

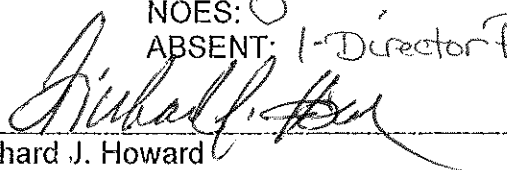
  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on October 20, 2010, by the following vote of the Board:

AYES: 4

NOES: 0

ABSENT: 1-Director Piepho

  
Richard J. Howard  
Board Secretary





## **Town of Discovery Bay Community Services District Board Policy**

### **PURCHASING AND CONTRACTING**

A purchasing system is adopted in order to establish efficient procedures for the purchase or procurement of supplies, services and equipment at the lowest possible cost commensurate with the level of quality required, to exercise financial control over the purchase or procurement, and to clearly define authority for the purchasing function.

#### **I. Purchasing Agent Designated;**

- a. The General Manager is the designated Purchasing Agent. The Purchasing Agent may delegate all or a portion of the purchasing duties to any District staff member. The Purchasing Agent shall have the authority to:
  - i. Purchase or contract for supplies, services and equipment required by the District, in accordance with purchasing procedures outlined in this policy;
  - ii. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;
  - iii. Act to procure for the District the necessary quality in supplies, services and equipment at the lowest responsible cost to the district;
  - iv. Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules;
  - v. Establish and maintain such forms as reasonably necessary to the operation of purchasing guidelines;
  - vi. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with required specifications;
  - vii. Recommend the sale or disposal of all supplies and equipment which cannot be used by the District, or which are no longer suitable for District use;
  - viii. Maintain a bidder's list and other records necessary for the efficient acquisition of goods and services.
- b. The General Manager (or designee) is hereby authorized to sign all contracts for the purchase of goods or services awarded pursuant to this section or separately approved by the Board of Directors.

## **II. Purchase or Procurement of Goods or Services Exceeding \$25,000**

- a. When the amount or value involved is at least \$25,000, the purchase shall be made by the Board of Directors through competitive bid as outlined below:
  - i. Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required.
  - ii. Notice inviting bids shall be posted on the Districts website at [www.todb.ca.gov](http://www.todb.ca.gov) and in at least two public places in the District that have been designated as the location for posting public notices, at least 10 days before the date of opening the bids.
  - iii. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list and may advertise the notice inviting bids in applicable publications.
  - iv. When deemed necessary by the Purchasing Agent or Board of Directors, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or Board of Directors. A successful bidder (and the bidder's surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to enter into a contract with the District or upon the failure to perform in accordance with the tenor of their bid.
  - v. When deemed necessary by the Purchasing Agent or Board of Directors, any person or entity entering into a contract with the District may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Board.
  - vi. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.
  - vii. At its discretion, the Board of Directors may reject all bids presented and re-advertises for bids.
  - viii. Contracts shall be awarded by the Board of Directors to the lowest responsible bidder, except as otherwise provided herein.
  - ix. All contracts shall be processed with a tracking Purchase Order and all funds encumbered at the contract value.
  - x. If two or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the Board of Directors may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of the bid opening.

### **III. Award of Bid**

- a.** Purchase or Procurement or Contracts shall be awarded after consideration of the following factors:
  - i. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
  - ii. The ability of the bidder to perform the contract or provide the service promptly or within the time specified, without delay or interface;
  - iii. The reputation and experience of the bidder;
  - iv. The previous experience of the District with the bidder;
  - v. The previous existing compliance by the bidder with federal, state, and local laws and ordinances;
  - vi. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
  - vii. The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
  - viii. The ability of the bidder to provide future maintenance and service of the use of the subject of the contract;
  - ix. The number and scope of conditions attached to the bid.
  
- b.** The provisions of this section requiring competitive bidding shall not apply to the following:
  - i. Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
  - ii. When the District's requirements can be met solely by a single patented article or process;
  - iii. When no bids have been received following bid announcements under other provisions of this section;
  - iv. When the amount involved is less than \$25,000;
  - v. When an emergency requires that an order is placed with the nearest source of supply;
  - vi. When a purchase involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the District's needs at the least cost;

- vii. For janitorial services for District buildings and facilities;
  - viii. When another agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment and the District desires to utilize that other agency's bidding process.
- c. When the procurement falls into any of the categories listed above, and the amount does not exceed \$25,000, the Purchasing Agent may authorize the use of the other purchasing procedures set forth in this section, depending on the value of the goods or services. When the procurement falls into one of the categories listed above, and the amount exceeds \$25,000, procurement without competitive bidding must be authorized by the Board of Directors by simple majority, except as otherwise provided above.
- d. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

#### **IV. Purchase or Procurement of Goods or Services between \$10,000 and \$25,000**

- a. All purchases or procurement for goods or services that exceed \$10,000 shall be authorized by the Board of Directors at a Regular or Special Meeting thereof.
- i. The provisions of this section requiring Board authorization shall not apply for maintenance and repair of District owned buildings or facilities.
- b. If the amount or value involved in a purchase is \$10,000 or more, but less than \$25,000, the Purchasing Agent may allow the purchase without written bid, by informal price checking through telephone or mail inquiry, comparison of prices on file or otherwise, subject to Board authorization.
- c. Every attempt shall be made to receive at least three price quotations.
- d. At the discretion of the Purchasing Agent, the acquisition of goods and services the value of which is at least \$10,000, but less than \$25,000, the formal competitive bid process may be used.

## **V. Purchase or Procurement between \$101 and \$10,000**

If the amount or value involved in a purchase is at least \$100, but less than \$10,000, the Purchasing Agent may make the purchase, without written bid, by using purchase orders or by direct purchase and through comparison pricing from at least 3 sources via telephone, internet, written price proposal or using on site information.

- a. A summary of all purchases authorized by the Purchasing Agent (or designee) between \$5,000 and \$10,000 shall be provided to the Board of Directors on a monthly basis.

## **VI. Purchase or Procurement Up To \$100**

If the amount or value involved in a purchase is \$100 or less, the Purchasing Agent may make the purchase, without written bid, by using direct purchase, including by using available petty cash.

## **VII. Credit card purchases.**

It is recognized that certain authorized employees are issued a District Credit card for incidental purchases. Incidental purchases include fuel for vehicles, small supplies such as hardware, and online purchases where a credit card is the only method of payment. In addition, while traveling on District business, credit cards may be used for transportation, hotel, and meals when applicable and authorized by the General Manager. All credit card purchases shall be authorized by the General Manager. Credit Card purchases shall not be used for the purpose of evading the competitive bidding provisions of this Policy.

## **VIII. Purchase Orders.**

All Purchase or Procurement over \$1,000 shall be documented by a purchase order prepared by the Purchasing Agent. The original copy shall be directed to the vendor and one copy shall be retained for the purchase order file. The final copy shall be directed to the department for whose benefit the purchase is being made to be used as a receiving report.

## **IX. Availability of Sufficient Funds.**

No purchase order shall be issued until it has been ascertained that there is to the credit of the department of the District for whose benefit such purchase is to be made a sufficient unappropriated balance in excess of all unpaid obligations to defray the amount of such order.

**X. Inspect and Review.**

The Purchasing Agent shall require the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications and requirements set forth in the order or contract.

**XI. Surplus Supplies and Equipment.**

At such times as determined by the Purchasing Agent, reports shall be prepared showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to sell trade or exchange all said supplies and equipment. The manner of disposing of surplus property shall be consistent with the procedures for Purchase or Procurement set forth in this section, depending on the value of the property.

**XII. Splitting Orders Prohibited.**

It is unlawful to split or separate into smaller orders the purchase of supplies, materials, equipment or services for the purpose of evading the competitive bidding provisions of this Policy.

**XIII. Exceptions – Public Projects.**

This Policy is expressly made inapplicable to bids for public projects as defined by Public Contracts Code Section 20680 and where the expenditure required for the public project exceeds the limit set by Public Contracts Code Section 20682. The provisions contained in Public Contracts Code Section 20680 et seq.

**XIV. Exceptions – Contracting during Declared Emergencies, Emergency Cleanup, or Emergency Cleanup of Hazardous Materials or Waste.**

When, in the discretion of the General manager, or designee, it is determined that a declared Emergency exists, or a hazardous spill has occurred and that immediate cleanup is required to prevent the spill from entering the storm drain system or any watercourse, the General Manager, or designee, may contract for the cleanup of the spill. Any such contract in the amount of \$10,000 or less may be entered into on behalf of the District by the General Manager, or designee, without prior Board of Directors approval; however, a contract in excess \$10,000 shall be ratified by the Board of Directors at the next regular or special meeting of the Town of Discovery Bay Board of Directors.

## **XV. Protest Procedure.**

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the General Manager. The protest must set forth the reasons for the challenge and must be filed within 10 days of the award of the contract. The General Manager shall review the protest and provide a written reply in an expeditious manner. The decision of the awarding authority with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the procedure or award of contract.





**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-16**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD) TO ESTABLISH A DEFERRED COMPENSATION PROGRAM FOR DISTRICT EMPLOYEES PURSUANT TO SECTION 457(B) OF THE INTERNAL REVENUE CODE OF 1986.**

**WHEREAS**, the Town of Discovery Bay CSD does not now have a mechanism for employees to voluntarily contribute to a Deferred Compensation program; and


**WHEREAS**, it is the desire of the Town of Discovery Bay CSD to make available, at no cost to the District, a voluntary deferred compensation program that is established pursuant to Section 457(b) of the Internal Revenue Code of 1986.

**NOW, THEREFORE**, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** The District shall establish a deferred compensation plan intended to meet the requirements of Section 457(b) of the Internal Revenue Code of 1986, as amended, and the requirements of applicable state and/or local law, and the plan, as adopted by the Board, shall be known as the Town of Discovery Bay CSD, 457(b) Plan.

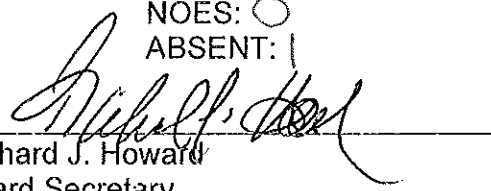
**SECTION 2.** The Board Secretary shall certify the adoption of this Resolution.

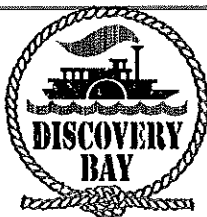
PASSED, APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF October, 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on October 20, 2010, by the following vote of the Board:

AYES: 4  
NOES: 0  
ABSENT: 1

  
Richard J. Howard  
Board Secretary



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-17**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT ESTABLISHING AN EMPLOYER PROVIDED MEDICAL COVERAGE PLAN ADMINISTERED BY THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) AND ESTABLISHING THE NOT-TO-EXCEED MONTHLY PER EMPLOYEE CONTRIBUTION OF \$527 FOR CALENDAR YEAR 2011**

WHEREAS, Town of Discovery Bay Community Services District does not currently and has not provided medical benefits to its employees since the inception of the District in 1998, and;

WHEREAS, The District presently employs eleven full time and one part time employee; and

WHEREAS, The District is a SDRMA member;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board authorizes employee participation in the SDRMA Health Benefits Program and authorizes the President to execute all necessary documents to facilitate this action.

SECTION 2. That the Board authorizes a not-to-exceed amount of \$527 per employee per month for Calendar Year 2011 for medical coverage pursuant to the SDRMA Health Benefits Program documents.

SECTION 3. Employees that opt out of medical coverage resulting from the fact that they already have coverage will be allocated \$250.00 monthly to be contributed into their deferred compensation plan.

SECTION 4. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> DAY OF November 2010.

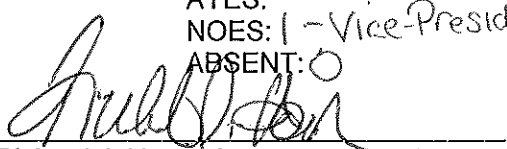
  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on November 17, 2010, by the following vote of the Board:

AYES: 4

NOES: 1 - Vice-President Simon

ABSENT: 0

  
Richard J. Howard  
Board Secretary



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-18**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT AUTHORIZING U.S. BANK NATIONAL ASSOCIATION  
N.D. (U.S. BANK) TO PROVIDE PURCHASE CARD SERVICES TO THE  
TOWN OF DISCOVERY BAY CSD AND PARTICIPATION IN THE STATE OF  
CALIFORNIA'S  
"CAL CARD" PROGRAM**

WHEREAS, Town of Discovery Bay Community Services District has utilized a Capital One Visa credit card since the inception of the District for miscellaneous general purchases; and

WHEREAS, U.S. Bank, through a contract with the state of California's General Services Administration, administers the "Cal Card" purchase card program; and

WHEREAS, the Cal Card purchase card program offers certain benefits not offered by the Districts current purchase card provider, Capital One Visa.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board authorize the General Manager to execute the necessary documents to facilitate implementation of the Cal Card program between the Town of Discovery Bay CSD and U.S. Bank; and terminate the Capital One VISA account once the Cal Card purchase card program is fully implemented.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> DAY OF November 2010.

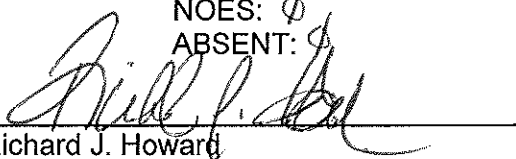
  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on November 17, 2010, by the following vote of the Board:

AYES: 5

NOES: 0

ABSENT: 0

  
Richard J. Howard  
Board Secretary



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-19**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT ESTABLISHING A TOWN OF DISCOVERY BAY CSD (TODBCSD) GENERAL FUND GENERAL LEDGER ACCOUNT**

WHEREAS, Town of Discovery Bay Community Services District provides water, wastewater, and recreational, and landscape services to the residents of the Town of Discovery Bay; and

WHEREAS, the revenue generated for water, wastewater, recreational and landscape services are restricted funds and can only be expended in their restricted enterprise; and

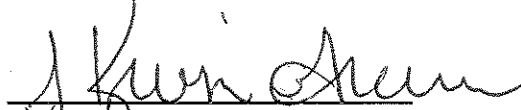
WHEREAS, The TODBCSD has entered into a long term lease agreement with T-Mobile West Corporation that will provide unrestricted revenues to the District.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board of Directors of the TODBCSD authorizes the establishment of a General Fund for purposes of revenue receipt of non-restricted revenues and expenditures.

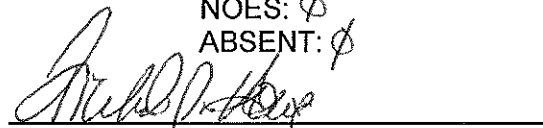
SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> DAY OF NOVEMBER 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on November 17, 2010 by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary





**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-20**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT RESCINDING RESOLUTION 2010-06 AMENDING  
RESOLUTION 2004-08 AND APPOINTING ECC BANK, A DIVISION OF BANK OF  
AGRICULTURE AND COMMERCE BANK FOR A MAJORITY OF WARRANTS**

WHEREAS, Town of Discovery Bay Community Services District adopted Resolution 2010-06 on June 16, 2010 amending Resolution 2004-08 and appointing ECC Bank, a division of Bank of Agriculture and Commerce Bank for a majority of warrants; and


WHEREAS, due to conflicts with Community Services District Law (Government Code §61050(b)) this action requires Resolution 2010-06 be rescinded.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That Resolution 2010-06 be rescinded.

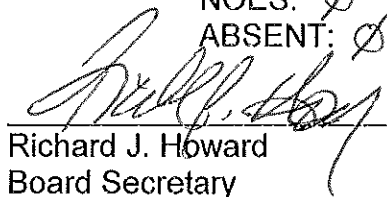
SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1<sup>st</sup> DAY OF December, 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on December 1, 2010, by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-21**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF  
DISCOVERY BAY COMMUNITY SERVICES DISTRICT APPROVING THE FORM  
OF AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF  
UNDERSTANDING AND AUTHORIZING PARTICIPATION IN THE  
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY'S  
MEDICAL BENEFITS PROGRAM**

**WHEREAS**, the Town of Discovery Bay Community Services District, a public agency duly organized and existing under and by virtue of the laws of the State of California (the "Entity"), has determined that it is in the best interest and to the advantage of the Entity to participate in Medical Benefits offered by the Special District Risk Management Authority (the "Authority"); and the Entity understands a condition of participation in Medical Benefits is a minimum of three (3) full years; and

**WHEREAS**, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing risk financing and risk management programs; and other coverage protection programs; and

**WHEREAS**, participation in Special District Risk Management Authority programs requires the Entity to execute and enter into a Memorandum of Understanding (the "MOU"); which states the purpose and participation requirements for Medical Benefits; and

**WHEREAS**, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Entity is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ENTITY  
AS FOLLOWS:**

Section 1. Findings. The Entity's Governing Body hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the Entity.

Section 2. Memorandum of Understanding. The Memorandum of Understanding, to be executed and entered into by and between the Entity and the Special District Risk Management Authority, in the form presented at this meeting and on file with the Entity's Secretary, is hereby approved. The Entity's Governing Body and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the Entity, to execute and deliver to the Authority the Memorandum of Understanding.

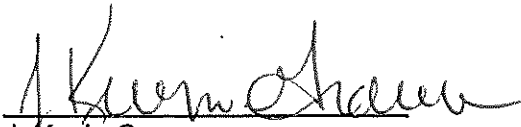
Resolution 2010-21 (Continued)

Section 3. Program Participation. The Entity's Governing Body approves participating for a minimum of three (3) full years in Special District Risk Management Authority Medical Benefits.

Section 4. Other Actions. The Authorized Officers of the Entity are each hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.


Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 20<sup>th</sup> day of December 2010 by the following vote:

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on December 20, 2010, by the following vote of the Board:

AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN:

  
Richard J. Howard  
Board Secretary



Received 5/31/11



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereafter "MEMORANDUM") is entered into by and between the Special District Risk Management Authority (hereafter "SDRMA") and the participating public entity (hereafter "ENTITY") who is signatory to this MEMORANDUM.

### Recitals

WHEREAS, on August 1, 2006, SDRMA was appointed administrator for the purpose of enrolling small public entities typically having 250 or less employees into the California State Association of Counties - Excess Insurance Authority ("CSAC-BIA Health") Health's Small Group Medical Benefits Program (hereinafter "PROGRAM").

WHEREAS, the terms and conditions of the PROGRAM as well as benefit coverage, rates, assessments, and premiums are governed by CSAC-BIA Health Committee for the PROGRAM (the "COMMITTEE") and not SDRMA.

WHEREAS, ENTITY desires to enroll and participate in the PROGRAM.

NOW THEREFORE, SDRMA and ENTITY agree as follows:

1. PURPOSE. ENTITY is signatory to this MEMORANDUM for the express purpose of enrolling in the PROGRAM.
2. INITIAL COMMITMENT PERIOD. ENTITY understands and acknowledges that it is required to remain in the PROGRAM for a period of at least three (3) full years as a condition to participation in the PROGRAM (the "INITIAL COMMITMENT PERIOD").
3. ENTRY INTO PROGRAM. ENTITY shall enroll in the PROGRAM by making application through SDRMA which shall be subject to approval by the PROGRAM's Underwriter and governing documents and in accordance with applicable eligibility guidelines.
4. MAINTENANCE OF EFFORT. PROGRAM is designed to provide an alternative medical benefit solution to all participants of the ENTITY including active and retired employees, dependents and public officials. ENTITY must contribute at least the minimum percentage required by the eligibility requirements. After the INITIAL COMMITMENT PERIOD, ENTITY may discontinue coverage or change the contribution amount for retirees.
5. PREMIUMS. ENTITY understands that premiums and rates for the PROGRAM are set by the COMMITTEE. ENTITY will remit monthly premiums based upon rates established for each category of participants and the census of covered employees, dependents and retirees.

Rates for the ENTITY and each category of participant will be determined by the COMMITTEE designated for the PROGRAM based upon advice from their consultants and/or a consulting Benefits Actuary and insurance carriers. In addition, SDRMA will add an administrative fee to premiums and rates set by the COMMITTEE for costs associated with administering the PROGRAM. Rates may vary depending upon factors including, but not limited to, demographic characteristics, loss experience of all public entities participating in the PROGRAM and differences in benefits provided (plan design), if any.

- a. SDRMA will administrate a billing to ENTITY each month, with payments due by the date specified by SDRMA. Payments received after the specified date will accrue penalties. Medical benefit premiums are based on a full month. There are no partial months or prorated premiums.
  - b. ENTITY must send notification of termination of benefits for a covered employee to the PROGRAM and SDRMA by the 15th of the current month to terminate at the end of the month. Otherwise (i.e. notification after the 15th), termination will be as of the end of the following month.
6. BENEFITS. Benefits provided to ENTITY participants shall be as set forth in ENTITY's Plan Summary for the PROGRAM and as agreed upon between the ENTITY and its recognized employee organizations as applicable.

7. **COVERAGE DOCUMENTS.** Except as otherwise provided herein, CSAC-BIA Health documents outlining the coverage provided, including terms and conditions of coverage, are controlling with respect to the coverage of the PROGRAM.
8. **PROGRAM FUNDING.** It is the intent of this MEMORANDUM to provide for a fully funded PROGRAM by any or all of the following: pooling risk; purchasing individual stop loss coverage to protect the pool from large claims; and purchasing aggregate stop loss coverage.
9. **ASSESSMENTS.** Should the PROGRAM not be adequately funded for any reason, pro-rata assessments to the ENTITY may be utilized to ensure the approved funding level for applicable policy periods. Any assessments, which are deemed necessary to ensure approved funding levels, shall be made upon the determination and approval of the COMMITTEE in accordance the following:
  - a. Assessments/dividends will be used sparingly. Generally, any over/under funding will be factored into renewal rates.
  - b. If a dividend/assessment is declared, allocation will be based upon each ENTITY's proportional share of total premium paid for the preceding 3 years. ENTITY's must be current participants to receive a dividend except upon termination of the PROGRAM and distribution of assets.
  - c. ENTITY will be liable for assessments for 12 months following withdrawal from the PROGRAM.
  - d. Fund equity will be evaluated on a total program-wide basis as opposed to each year standing on its own.
10. **WITHDRAWAL.** ENTITY may withdraw after their INITIAL COMMITMENT PERIOD (three (3) full year commitment period) and subject to the following condition; ENTITY shall notify SDRMA and the PROGRAM in writing of their intent to withdraw at least 180 days prior to their actual coverage renewal date. ENTITY may rescind its notice of intent to withdraw.
11. **LIAISON WITH SDRMA.** Each ENTITY shall maintain staff to act as liaison with the SDRMA and between the ENTITY and the SDRMA's designated PROGRAM representative.
12. **DISPUTES.** Disputes between the parties related to this MEMORANDUM shall be resolved as follows:
  - a. Mediation Before Litigation. The parties agree that in the event of any dispute by and between them, they shall first attempt to resolve the dispute by way of an informal mediation and if such efforts do not result in a resolution, they may proceed to litigate the claims.
  - b. Selection of Mediator. The mediation shall be held before a neutral mediator having at least 15 years civil business litigation experience or a retired judge. Within ten (10) days of a demand for mediation, the parties shall attempt to mutually select a neutral and qualified mediator. If the parties agree on the selection of the mediator, the mutually selected mediator shall be appointed for the mediation. If the parties are unable to mutually select a qualified mediator, they shall each select a neutral mediator and the two shall then select the third who shall be designated as the parties' neutral mediator for the dispute. Any selected mediator who is unable or unwilling to fulfill his duties may be replaced.
  - c. Time of Mediation. Subject to the mediator's availability, the parties will make best efforts to have the mediation scheduled and held within 45 days of a demand.
  - d. Costs of Mediation. The parties shall split and pay for the fees charged by the mediator equally.
  - e. Confidentiality of Mediation Process. The parties agree that the mediation of the dispute will be an effort to compromise disputed claims and that mediation shall be deemed confidential and no statements made at the mediation can be used against them in the event of future litigation.
  - f. Position Statements. Any party making a demand for mediation shall set forth in their written demand for mediation the factual and legal basis known to them for their claims or dispute and provide copies of any statements, summaries, reports, or documentary information known to them at the time to support their

claims, save and except, privileged or confidential information, which may be withheld. Within thirty (30) days after receipt of a demand for mediation, the recipient shall provide a written response to the claims setting forth the factual and legal basis known to them to support the response or affirmative defenses and also provide copies of any statements, summaries, reports, or documentary information known to them at the time to support the response or affirmative defenses, save and except, privileged or confidential information, which may be withheld. Copies of the position statements and information exchanged between the parties under this provision shall be provided to the mediator in advance of the mediation.

- g. Failure to Participate in Mediation. Any party who fails to participate in the mediation shall waive their right to collect attorney fees herein.
  - h. Exclusions From Mediation. The parties agree that any claim for immediate injunctive relief is specifically excluded from the requirements of mediation. The parties further agree that disputes related to coverage under the PROGRAM are excluded from this provision and shall be governed in accordance with CSAC-BIA Health documents and/or PROGRAM documents.
13. **GOVERNING LAW.** This MEMORANDUM shall be governed in accordance with the laws of the State of California.
  14. **VENUE.** Venue for any dispute or enforcement shall be in Sacramento, California.
  15. **ATTORNEY FEES.** The prevailing party in any dispute shall be entitled to an award of reasonable attorney fees.
  16. **COMPLETE AGREEMENT.** This MEMORANDUM together with the related PROGRAM documents constitutes the full and complete agreement of the ENTITY.
  17. **SEVERABILITY.** Should any provision of this MEMORANDUM be judicially determined to be void or unenforceable, such determination shall not affect any remaining provision.
  18. **AMENDMENT OF MEMORANDUM.** This MEMORANDUM may be amended by the SDRMA Board of Directors and such amendments are subject to approval of ENTITY's signatory to this MEMORANDUM. Any ENTITY who fails or refuses to execute an amendment to this MEMORANDUM shall be deemed to have withdrawn from the PROGRAM on the next annual renewal date.
  19. **EFFECTIVE DATE.** This MEMORANDUM shall become effective upon the signing of this MEMORANDUM by the ENTITY and Chief Executive Officer or Board President of SDRMA.
  20. **EXECUTION IN COUNTERPARTS.** This MEMORANDUM may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.



In Witness Whereof, the undersigned have executed the MEMORANDUM as of the date set forth below.

Dated: 12/20/10

By: [Signature]

Special District Risk  
Management Authority

Dated: 20 Dec 10

By: [Signature]

J. Kevin Graves, Board President  
Town of Discovery Bay Community Services District



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-22**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT  
APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A  
MEMORANDUM OF UNDERSTANDING AND AUTHORIZING PARTICIPATION IN  
THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY'S  
HEALTH BENEFITS ANCILLARY COVERAGES**

**WHEREAS**, The Town of Discovery Bay Community Services District, a public agency duly organized and existing under and by virtue of the laws of the State of California (the "Entity"), has determined that it is in the best interest and to the advantage of the Entity to participate in Health Benefits Ancillary Coverages offered by the Special District Risk Management Authority (the "Authority"); and the Entity understands a condition of participation in Health Benefits Ancillary Coverages is a minimum of three (3) full years; and

**WHEREAS**, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing risk financing and risk management programs; and other coverage protection programs; and

**WHEREAS**, participation in Special District Risk Management Authority programs requires the Entity to execute and enter into a Memorandum of Understanding (the "MOU"); which states the purpose and participation requirements for Health Benefits Ancillary Coverages; and

**WHEREAS**, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Entity is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ENTITY  
AS FOLLOWS:**

Section 1. Findings. The Entity's Governing Body hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the Entity.

Section 2. Memorandum of Understanding. The Memorandum of Understanding, to be executed and entered into by and between the Entity and the Special District Risk Management Authority, in the form presented at this meeting and on file with the Entity's Secretary, is hereby approved. The Entity's Governing Body and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the Entity, to execute and deliver to the Authority the Memorandum of Understanding.


Resolution 2010-22 (Continued)

Section 3. Program Participation. The Entity's Governing Body approves participating for a minimum of three (3) full years in Special District Risk Management Authority Health Benefits Ancillary Coverages.

Section 4. Other Actions. The Authorized Officers of the Entity are each hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 20<sup>th</sup> day of December, 2010 by the following vote:

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on December 20, 2010, by the following vote of the Board:

AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN:

  
Richard J. Howard  
Board Secretary

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereafter "MEMORANDUM") is entered into by and between the Special District Risk Management Authority (hereafter "SDRMA") and the participating public entity (hereafter "ENTITY") who is signatory to this MEMORANDUM.

### Recitals

**WHEREAS**, on August 1, 2006, SDRMA was appointed administrator for the purpose of enrolling small public entities typically having 250 or less employees into the California State Association of Counties ("CSAC") Excess Insurance Authority ("EIA") EIAHealth's Small Group Health Benefits Ancillary Coverages Program (hereinafter "PROGRAM").

**WHEREAS**, the terms and conditions of the PROGRAM as well as benefit coverage, rates, assessments, and premiums are governed by EIAHealth Committee for the PROGRAM (the "COMMITTEE") and not SDRMA.

**WHEREAS**, ENTITY desires to enroll and participate in the PROGRAM.

**NOW THEREFORE**, SDRMA and ENTITY agree as follows:

1. **PURPOSE.** ENTITY is signatory to this MEMORANDUM for the express purpose of enrolling in the PROGRAM.
2. **INITIAL COMMITMENT PERIOD.** ENTITY understands and acknowledges that it is required to remain in the PROGRAM for a period of at least three (3) full years as a condition to participation in the PROGRAM (the "INITIAL COMMITMENT PERIOD").
3. **ENTRY INTO PROGRAM.** ENTITY shall enroll in the PROGRAM by making application through SDRMA which shall be subject to approval by the PROGRAM's Underwriter and governing documents and in accordance with applicable eligibility guidelines.
4. **MAINTENANCE OF EFFORT.** PROGRAM is designed to provide an alternative health benefit ancillary coverage solution to all participants of the ENTITY including active employees, dependents and public officials. ENTITY must contribute at least the minimum percentage required by the eligibility requirements.
5. **PREMIUMS.** ENTITY understands that premiums and rates for the PROGRAM are set by the COMMITTEE. ENTITY will remit monthly premiums based upon rates established for each category of participants and the census of covered employees, dependents and public officials.  
  
Rates for the ENTITY and each category of participant will be determined by the COMMITTEE designated for the PROGRAM based upon advice from their consultants and/or a consulting Benefits Actuary and insurance carriers. In addition, SDRMA will add an administrative fee to premiums and rates set by the COMMITTEE for costs associated with administering the PROGRAM. Rates may vary depending upon factors including, but not limited to, demographic characteristics, loss experience of all public entities participating in the PROGRAM and differences in benefits provided (plan design), if any.
  - a. SDRMA will administrate a billing to ENTITY each month, with payments due by the date specified by SDRMA. Payments received after the specified date will accrue penalties. Health benefit ancillary coverage premiums are based on a full month. There are no partial months or prorated premiums.
  - b. ENTITY must send notification of termination of ancillary benefits for a covered employee to the PROGRAM and SDRMA by the 15th of the current month to terminate at the end of the month. Otherwise (i.e. notification after the 15th), termination will be as of the end of the following month.
6. **BENEFITS.** Benefits provided to ENTITY participants shall be as set forth in ENTITY's Plan Summary for the PROGRAM and as agreed upon between the ENTITY and its recognized employee organizations as applicable.



7. **COVERAGE DOCUMENTS.** Except as otherwise provided herein, CSAC-EIA Health documents outlining the coverage provided, including terms and conditions of coverage, are controlling with respect to the coverage of the PROGRAM.
8. **PROGRAM FUNDING.** It is the intent of this MEMORANDUM to provide for a fully funded PROGRAM by any or all of the following: pooling risk; purchasing individual stop loss coverage to protect the pool from large claims; and purchasing aggregate stop loss coverage.
9. **ASSESSMENTS.** Should the PROGRAM not be adequately funded for any reason, pro-rata assessments to the ENTITY may be utilized to ensure the approved funding level for applicable policy periods. Any assessments, which are deemed necessary to ensure approved funding levels, shall be made upon the determination and approval of the COMMITTEE in accordance the following:
  - a. Assessments/dividends will be used sparingly. Generally, any over/under funding will be factored into renewal rates.
  - b. If a dividend/assessment is declared, allocation will be based upon each ENTITY's proportional share of total premium paid for the preceding 3 years. ENTITY's must be current participants to receive a dividend except upon termination of the PROGRAM and distribution of assets.
  - c. ENTITY will be liable for assessments for 12 months following withdrawal from the PROGRAM.
  - d. Fund equity will be evaluated on a total program-wide basis as opposed to each year standing on its own.
10. **WITHDRAWAL.** ENTITY may withdraw after their INITIAL COMMITMENT PERIOD (three (3) full year commitment period) and subject to the following condition; ENTITY shall notify SDRMA and the PROGRAM in writing of their intent to withdraw at least 180 days prior to their actual coverage renewal date. ENTITY may rescind its notice of intent to withdraw.
11. **LIAISON WITH SDRMA.** Each ENTITY shall maintain staff to act as liaison with the SDRMA and between the ENTITY and the SDRMA's designated PROGRAM representative.
12. **DISPUTES.** Disputes between the parties related to this MEMORANDUM shall be resolved as follows:
  - a. Mediation Before Litigation. The parties agree that in the event of any dispute by and between them, they shall first attempt to resolve the dispute by way of an informal mediation and if such efforts do not result in a resolution, they may proceed to litigate the claims.
  - b. Selection of Mediator. The mediation shall be held before a neutral mediator having at least 15 years civil business litigation experience or a retired judge. Within ten (10) days of a demand for mediation, the parties shall attempt to mutually select a neutral and qualified mediator. If the parties agree on the selection of the mediator, the mutually selected mediator shall be appointed for the mediation. If the parties are unable to mutually select a qualified mediator, they shall each select a neutral mediator and the two shall then select the third who shall be designated as the parties' neutral mediator for the dispute. Any selected mediator who is unable or unwilling to fulfill his duties may be replaced.
  - c. Time of Mediation. Subject to the mediator's availability, the parties will make best efforts to have the mediation scheduled and held within 45 days of a demand.
  - d. Costs of Mediation. The parties shall split and pay for the fees charged by the mediator equally.
  - e. Confidentiality of Mediation Process. The parties agree that the mediation of the dispute will be an effort to compromise disputed claims and that mediation shall be deemed confidential and no statements made at the mediation can be used against them in the event of future litigation.
  - f. Position Statements. Any party making a demand for mediation shall set forth in their written demand for mediation the factual and legal basis known to them for their claims or dispute and provide copies of any statements, summaries, reports, or documentary information known to them at the time to support their

claims, save and except, privileged or confidential information, which may be withheld. Within thirty (30) days after receipt of a demand for mediation, the recipient shall provide a written response to the claims setting forth the factual and legal basis known to them to support the response or affirmative defenses and also provide copies of any statements, summaries, reports, or documentary information known to them at the time to support the response or affirmative defenses, save and except, privileged or confidential information, which may be withheld. Copies of the position statements and information exchanged between the parties under this provision shall be provided to the mediator in advance of the mediation.

- g. Failure to Participate in Mediation. Any party who fails to participate in the mediation shall waive their right to collect attorney fees herein.
  - h. Exclusions From Mediation. The parties agree that any claim for immediate injunctive relief is specifically excluded from the requirements of mediation. The parties further agree that disputes related to coverage under the PROGRAM are excluded from this provision and shall be governed in accordance with CSAC-BIAHealth documents and/or PROGRAM documents.
- 13. GOVERNING LAW. This MEMORANDUM shall be governed in accordance with the laws of the State of California.
  - 14. VENUE. Venue for any dispute or enforcement shall be in Sacramento, California.
  - 15. ATTORNEY FEES. The prevailing party in any dispute shall be entitled to an award of reasonable attorney fees.
  - 16. COMPLETE AGREEMENT. This MEMORANDUM together with the related PROGRAM documents constitutes the full and complete agreement of the ENTITY.
  - 17. SEVERABILITY. Should any provision of this MEMORANDUM be judicially determined to be void or unenforceable, such determination shall not affect any remaining provision.
  - 18. AMENDMENT OF MEMORANDUM. This MEMORANDUM may be amended by the SDRMA Board of Directors and such amendments are subject to approval of ENTITY's signatory to this MEMORANDUM. Any ENTITY who fails or refuses to execute an amendment to this MEMORANDUM shall be deemed to have withdrawn from the PROGRAM on the next annual renewal date.
  - 19. EFFECTIVE DATE. This MEMORANDUM shall become effective upon the signing of this MEMORANDUM by the ENTITY and Chief Executive Officer or Board President of SDRMA.
  - 20. EXECUTION IN COUNTERPARTS. This MEMORANDUM may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.



In Witness Whereof, the undersigned have executed the MEMORANDUM as of the date set forth below.

Dated: 12/20/10

By: [Signature]

Special District Risk  
Management Authority

Dated: 20 Dec 10

By: [Signature]

J. Kevin Graves, Board President  
Town of Discovery Bay Community Services District